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BY
F. P. WALTON, ESQ., LL.D., K.C. (QUEBEC)

> Let observation, with extensive view,
> Survey mankind from China to Peru.
>
> SAMUEL JOHNSON.

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ANNUAL REPORT.

THE accounts for the year 1929 again show that the work of the Society is widely appreciated. Although the balance at the end of the year was about £40 less than at the beginning, this is more than accounted for by an increase of £45 in the cost of the publication of the *Journal* due to its slightly increased size.

The figure representing the subscriptions from Government Departments remains the same, while there has been a slight increase in the membership of private individuals.

The Committee have to record with much appreciation the resolution of the Bench of the Irish Free State to grant a donation to the funds of the Society; this, with the donations which the Honourable Societies of Lincoln's Inn, Middle Temple, Inner Temple and Gray's Inn, the Law Society, the Government of Fiji and the Royal Empire Society continue to grant, forms a valuable contribution to the work of the Society which the Committee gratefully acknowledge and deeply appreciate.

The back numbers of the *Journal* are still in great demand, as is shown by the figure of £118 2*s.* 9*d.*, which is an increase of £38 over the amount derived from sales in the previous year.

During the past two years the Society has suffered severe losses from the Council, no less than ten of its members having died, and the Committee record with great regret the loss by death during the year under review of the Rt. Hon. Viscount Finlay, the Rt. Hon. Viscount Haldane, the Rt. Hon. Lord Phillimore and the Hon. Sir James Aikins, and also, though not a member of the Council, Mr. E. T. Nicolle, Vicomte of Jersey, who for more than twenty years was a faithful contributor to the Society's *Review of Legislation.*

Above all, it is with a deep feeling of the severe loss which the Society has sustained that the Committee have to record the death of their great President, Lord Rosebery. The variety of his attainments made him an appropriate head of this Society, which in its essence is an epitome of the activities of mankind in every part of the Empire, and his illustrious name lent a rare distinction to its work.

The Society is fortunate in having secured the Marquess of Reading as his successor.

ATKIN, *Chairman.*

SOCIETY OF COMPARATIVE LEGISLATION.

Dr. RECEIPTS AND PAYMENTS ACCOUNT FOR THE YEAR ENDED DECEMBER 31, 1929. *Cr.*

	£	s.	d.	£	s.	d.
To Subscriptions:						
Government	210	0	0			
Non-Government	460	16	6	670	16	6
,, Grants:						
Law Society	21	0	0			
Lincoln's Inn	21	0	0			
Middle Temple	21	0	0			
Inner Temple	21	0	0			
Gray's Inn	21	0	0			
King's Inns	10	10	0			
Government of Fiji	10	0	0			
Royal Empire Society	5	5	0	130	15	0
,, Sale of *Journals*, including Back Numbers and Reprints	118	2	9			
Less Purchase of Journals and cost of Reprints	50	16	6	67	6	3
,, Proceeds of Advertisements				18	8	9
,, Sale of *Great Jurists of the World*				2	13	5
,, Interest on War Loan				16	0	0
				905	19	11
,, Cash at January 1, 1929:						
In hand	2	4	7			
At bank	227	19	3	230	3	10
,, Subscriptions in arrear received during 1929				15	15	0
,, Subscriptions paid in advance				67	6	8
				£1,219	5	5

	£	s.	d.	£	s.	d.
By Publication of *Journal*:						
Printing vol. x, pt. 4	185	2	6			
Printing vol. xi, pt. 1	167	16	0			
Printing vol. xi, pt. 2	148	18	0			
Printing vol. xi, pt. 3	115	14	0			
	617	10	6			
Add Paper for *Journal*	48	7	10	665	18	4
,, Salary of Secretary				250	0	0
,, Rent of Chambers	100	0	0			
Less Rent received	40	0	0	60	0	0
,, Lighting, Heating and Cleaning of Chambers				20	18	8
,, General Expenses, including Postage and Insurance				17	18	11
,, Telephone				9	0	3
,, Stationery				2	1	6
,, Audit of Accounts for the year 1928				3	3	0
				1,029	0	8
,, Cash at December 31, 1929:						
In hand	4	8	5			
At bank	185	16	4	190	4	9
				£1,219	5	5

We have examined the above Receipts and Payments Account with the Books and Vouchers, and certify that it agrees therewith. We have verified the Bank Balance and also the investment of £400 5% War Loan 1929/47 Bearer Bonds.

LONDON: 48, Copthall Avenue, E.C.2.
April 1st, 1930.

CASH, STONE & CO.
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INTRODUCTION.

[*Contributed by* F. P. WALTON, ESQ., LL.D.]

THE Society again offers its thanks to its learned contributors dispersed throughout the world who have been so good as to furnish these summaries.

It records with regret the death of one of them, Mr. E. T. Nicolle, *Vicomte de Jersey*, who had contributed the summary of Jersey legislation for the last twenty years.

There is not very much in the legislation here collected which calls for special notice in an Introduction.

A few of the most important laws can be classified under the headings which follow :

Uniformity of Legislation.—As usual British legislation has frequently been taken as a model in other parts of the Empire for legislation *in pari materia.*

Thus, Northern Ireland has a series of laws on the British model, including one introducing legitimation by subsequent marriage (pp. 21–23). Alberta has followed the example of the Administration of Estates Act in making real and personal property descend on intestacy to the same persons (p. 68). Alberta also has a new law which follows in the main the new English law of intestate succession, but with interesting differences. There is no limitation as to the degree of consanguinity within which the succession devolves and there is no preference of kindred of the whole-blood over kindred of the half-blood (p. 69). Alberta also introduces legitimation *per subsequens matrimonium* (p. 71). Victoria has an Adoption Act on the lines of the Imperial Act (p. 119). New Zealand adopts Part II of the Imperial Naturalization Act (p. 138). Northern Rhodesia legalizes marriage with the widow of a deceased brother (p. 160).

Cyprus follows English law in new acts as to Partnership and Bills of Exchange, abandoning as to these matters the provisions of the Ottoman Commercial Code (p. 203).

International Law.—Under this head, in addition to the various laws as to naturalization referred to in the index, attention may be drawn to the Act of the Dominion of Canada aiming at the prevention of smuggling which contains a definition for the purposes of the Act of territorial waters. For Customs purposes " territorial waters " are to include *in the case of any vessel registered in Canada* the waters within twelve marine miles of the territory (p. 53).

Constitutional Law.—The most important measure under this head is the Representation of the People (Equal Franchise) Act of the United Kingdom which brings more than five million women on the register (p. 3). We may mention also the Act extending the legislative powers of the Parliament of Northern Ireland and removing doubts (pp. 2, 18). The Irish Free State, after a trial of Referendum and popular initiative, institutions which it was hoped might give a protection to the people against the legislature, has now decided to "bury" these innovations (p. 28). Another interesting law of the Free State is the amendment to the Constitution altering the method of election of members of the Senate. The electors for the Senate are now to be the members of Dail Eireann and the members of the Senate voting together on principles of proportional representation (p. 30).

Nova Scotia, as was anticipated, has now abolished its Legislative Council (p. 76).[1]

Administration of Justice.—The English Act with this title should be noted (p. 5). Worthy of attention under this head are the American laws in various States setting up what is called a judicial council whose duty it will be to suggest amendments of the rules of practice (p. 215).

Finance and Taxation.—Specially noteworthy are the "Derating Acts" of the United Kingdom (pp. 9, 10).

Jersey for the first time in its history enacts an income-tax which in that fortunate island was fixed at sixpence in the pound (p. 17). The Dominion of Canada for the first time introduces an Old Age Pensions Act (p. 37).

In Ceylon the Widows and Orphans Pension Fund Ordinance grapples with the difficulty created in the case of Moslems by a plurality of widows (p. 176).

New South Wales has a Family Endowment Act providing for the endowment of mothers at the rate of 5*s*. per week for each child under fourteen when the family income is below a certain amount (p. 100).

Labour Legislation.—The Indian Mines Act restricting work in mines to twelve hours a day is significant (p. 168).

Succession.—The new Act of Alberta has been referred to above (p. 69). In India there is an important measure altering the Hindu law which excluded from inheritance all persons congenitally blind, deaf or dumb as well as certain classes of cripples and diseased persons (p. 167).

It is interesting to notice that this reform was effected by a private bill promoted by a non-official member of the Legislative Assembly.

Agriculture.—The derating laws of the United Kingdom have already been noted. In Northern Ireland the Marketing of Potatoes Act is important (p. 17).

Fisheries and Game Preservation.—New legislation in Northern Ireland illustrates a changed point of view in regard to poaching (pp. 19, 20).

Marriage, Divorce, Legitimacy and Adoption.—As already mentioned, Northern Rhodesia legalizes marriage with a deceased brother's widow (p. 160).

Alberta (p. 71) and Northern Ireland (p. 22) introduce legitimation by subsequent marriage and Victoria (p. 119) has an Adoption Act.

South Australia has an important Act creating various new grounds for divorce, including desertion, habitual drunkenness, sentence to imprisonment for certain periods, cruelty and insanity (p. 113).

Southern Rhodesia amends the law of married women's property and provides that there shall be no community unless prior to the marriage the parties have made an agreement to that effect (p. 166).

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[1] See *Journal of Comparative Legislation*, Third Series, vol. xi, p. 87.

Mental Defectives.—Laws of Alberta (p. 71) and New Zealand (p. 133) illustrate different views as to the advisability of legalizing, subject to conditions, the sterilization of mental defectives.

Liquor Control.—The important Act of the Union of South Africa should be noted (p. 144).

Motor Traffic.—There is as usual much legislation in the United States on this subject (p. 217).

New Zealand imposes on all owners of motor vehicles an obligation to protect themselves—and incidentally the pedestrian—by insurance against "third party" risks (p. 136).

Moving Pictures.—A very drastic law of Quebec provides that no child of less than sixteen years, whether accompanied or not, shall be received in a cinema except if the performance is given in an educational institution (p. 85).

Wireless Telegraphy.—The Radio Acts of the United States and of some of the States deserve attention (p. 214).

BRITISH EMPIRE.

I. BRITISH ISLES.

1. UNITED KINGDOM.

[*Contributed by* CECIL T. CARR, ESQ., LL.D., *Editor of Statutes Revised, Statutory Rules and Orders*, etc.]

During the 1928 session (18 & 19 Geo. V), which lasted from February to August, the Parliament of the United Kingdom and Northern Ireland passed 46 Public General Acts. More than half of them delegate some power of making rules, regulations or orders; the final sections of this summary will, as in former years, refer to the resultant body of subordinate legislation, and also to the Local Acts. The Conservative party was still in power during the year with a substantial majority.

Improvement of the Statute Book.—Though the law of unemployment insurance was, for once, not complicated by further amendment, no attempt was made to re-write it in consolidated form.[1] The promise of a simplified code of income-tax[2] remained a hope deferred. Nineteenth-century Acts, now obscured with the changes of some fifty years, were left as the basis of local government and public health law administered by central and local authorities non-existent when those Acts were passed. A False Oaths (Scotland) Bill, for which the Statute Law Committee had asked, was framed to do for Scotland what the consolidating Perjury Act had done for England in 1911; it passed the House of Lords but made no headway elsewhere. Nevertheless the indefatigable and unobtrusive labours of Lord Muir Mackenzie's Joint Committee on Consolidation Bills made possible the consolidation of the enactments relating to petroleum and the sale of food and drugs: progress was made also in applying the same process to company law. The Petroleum (Consolidation) Act (c. 32) follows close upon a Petroleum (Amendment) Act (to be discussed below); the consolidating Act catches up the improvements which the amending Act contains. The Food and Drugs (Adulteration) Act (c. 31) sweeps away and replaces a series of enactments going back over half a century. Except for the provisions in the last-named Act relating to imported articles of food, neither of these two consolidating statutes applies to Northern Ireland. Complementary work can now be undertaken by the Parliament at Belfast the more readily because a subsection of the Northern Ireland (Miscellaneous Provisions) Act (c. 24) empowers the Northern Ireland legislature to repeal and re-enact United Kingdom laws on a matter outside the limits of its legislative competence if this is done for the purpose of consolidating some branch of the statute law which is within those limits. Subjects of law which *prima facie* are wholly "transferred matters" are occasionally found to be embarrassingly interwoven with non-transferred elements[1]; the new provision, therefore, encourages efforts in the direction of an improved statute book.

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[1] For Sir John Simon's criticism of the state of the Unemployment Insurance Acts in 1927 see *Journal of Comparative Legislation*, Third Series, vol. xi, pt. ii, p. 5.

[2] See *ibid.*, p. 12.

Imperial and Constitutional.—In other respects it has been found safe to relax, and necessary to elucidate, the rigid limits imposed by the Government of Ireland Act upon the powers of Northern Ireland. The Supreme Court of Northern Ireland, for instance, was a "reserved" matter. The same Miscellaneous Provisions Act declares that this reservation shall not preclude Northern Ireland from dealing with the rule-making authority's power to make rules regulating procedure and distribution of business in the Supreme Court in respect of transferred matters or from conferring power to hear appeals or points of law referred from inferior courts, etc. Other fresh extensions of Northern Ireland's legislative power, relaxing the categorical restrictions in s. 4 of the Government of Ireland Act, allow her in future (i) to control the export of live stock and agricultural produce to Great Britain, the Isle of Man and the Irish Free State in respect of standards of quality, inspection or compulsory insurance, (ii) to regulate works on the seashore subject to the consent of the Board of Trade and, where concerned, the Commissioners of Crown Lands, and (iii) to empower proceedings in Northern Ireland county courts to recover workmen's compensation for injuries to masters and seamen. The miscellaneous provisions in the new Act include an amendment of the Land Purchase Acts and fresh machinery for the administration of the estates of intestates devolving upon the Crown. The Act is in part retrospective.

Two other statutes of Imperial significance concern countries far to the east and west. The Straits Settlements and Johore Territorial Waters (Agreement) Act (c. 23) gives Parliamentary confirmation to terms agreed in 1927 between Sir Hugh Clifford, as Governor of Singapore, and His Highness the Sultan of Johore. When the island of Singapore was ceded to the East India Company by the Sultan's predecessors in 1824, the grant covered also the islands, straits and seas, so that British jurisdiction ran right up to the shores of Johore. This was inconvenient to the customs and general administration of that State; the new agreement therefore places the boundary line along the centre of the channel between Johore and Singapore.

The constitution of British Guiana, little changed since the British took the colony from the Dutch in 1803, and now so old-fashioned as to be an obstacle to progressive administration, might normally have been reformed by a prerogative Order in Council. The Capitulation of 1803, however, had saved the existing methods of taxation; the Combined Court (the likeliest object of reform) possessed powers of taxation within the colony; it was thus deemed proper to base the change upon the authority of an Act of Parliament. Lord Mansfield's judgment in *Campbell* v. *Hall*, of which Lord Haldane reminded the House of Lords during debate on the enabling Bill, had doubtless been borne in mind. The British Guiana Act (c. 5) briefly authorizes in advance the subsequently issued British Guiana (Constitution) Order in Council,[2] without prejudice to the general power to legislate by Order in Council for the peace, order and good government of the colony.

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[1] See, for instance, the difficulty over workmen's compensation, *ibid.*, pp. 21–2, so skilfully surmounted in 17 & 18 Geo. V, c. 16 (N.I.).

[2] See *S. R. & O.*, 1928 (No. 561), p. 221.

To return to constitutional matters nearer home, the Representation of the People (Equal Franchise) Act (c. 12) brings more than five million women on to the register. Previously there were roughly three million more masculine than feminine voters at elections to the Parliament at Westminster; now in turn the men are outnumbered. The new Act re-writes the first few sections of the 1918 Act with modifications which eliminate the limits on the former franchise of women. S. 1 gives the vote to any person who is of full age and not subject to any legal incapacity if he or she has the requisite three months' residence qualification, or the requisite business premises qualification, or is the husband or wife of a person entitled to be registered in respect of a business premises qualification. S. 2 assimilates the local government franchise of men and women, separate provision being necessary for Scotland; Northern Ireland is here left free to use its own legislative powers. The previous law as to plural voting is re-stated with the substitution of "person" for "man" and so on. There are various consequential amendments, new arrangements for the 1929 register, and a reduction of the maximum of election expenses allowed in county constituencies from *7d.* to 6*d.* per head. The Representation of the People (Reading University) Act (c. 25) brings Reading into the group of combined English Universities returning two members to the House of Commons under Part III of the ninth Schedule to the 1918 Act.

Departmental Administration.—Which is the more efficient instrument of administration, a system of boards or a system of departments? England has broken away from the use of boards; Northern Ireland preferred to set up ministries; Scotland, by means of the Reorganization of Offices (Scotland) Act (c. 34), follows the same tendency. The Scottish Board of Health becomes the Department of Health for Scotland, the Board of Agriculture for Scotland becomes the Department of Agriculture for Scotland, and the Prison Commissioners for Scotland become the Prisons Department for Scotland. National sentiment is respected by an express provision that the offices should all be in Edinburgh. Patriotic Scotsmen, nevertheless, conservatively defended the *status quo*, fearing that the new plan meant less sympathy and less local knowledge. On the other side was the authority of a Royal Commission's recommendations; Scotland, it was said, ought to make use of the selected and trained permanent official; local sympathies and understanding would be preserved by developing unpaid advisory bodies and by the natural tendency of the Scottish official to take service in Scottish offices; the abolition of patronage would be no loss. The Secretary of State who must answer at Westminster for Scottish affairs said he would be happier with a single responsible adviser at the head of each department than with the majorities and minorities of boards. The Act leaves the Fishery Board for Scotland alone but makes it possible for the chairman to be of the permanent administrator type. Other changes reorganize offices more peculiarly Scottish. There is to be a Keeper of the Registers and Records of Scotland who will absorb the Deputy Clerk Registership (a post not filled since 1919), the keepership of the General Register of Sasines, and the keepership of the Register of Deeds; thus the Register House obtains a single head. The keepership of the Minute Book and Record of Edictal Citations is discontinued, the powers and duties passing to the Principal Extractor of the Court of Session, whose staff is elsewhere provided for. Power is given to discontinue the directorship of Chancery and dispose of its work, and to widen the field of selection of trustees for the National Galleries of Scotland. The Act was fortunate in its opportunity since several officials whose offices were to disappear were on the point of retirement.

Naval and Military.—The Army and Air Force (Annual) Act (c. 7), renewing the disciplinary codes for those services, further diminishes the occasions for inflicting the death penalty. In 1925 capital punishment in the army and air force in time of peace had been abolished for all offences except mutiny. The 1928 Act abolishes it in time of war for all except mutiny, treachery, cowardice, desertion, leaving a post or guard on active service or leaving a post as sentinel without being regularly relieved. Among minor amendments of the Army Act and Air Force Act the rank of " brigadier " is substituted for that of " colonel commandant " (which had been introduced by s. 4 of the 1920 Act), and references to warrant officers holding temporary commissions disappear.

The Royal Navy was interested, if somewhat remotely, in the Naval Prize Act (c. 36), winding up the Naval Prize Fund and dissolving the tribunal to which Lord Phillimore and others had for ten years given such admirable service. The rights and liabilities of the fund were transferred to the Consolidated Fund, and £126,500 was set aside for the Treasury wherewith to meet the future. The last claim had not perhaps been made, much less disposed of, but the end was in sight.

Agriculture.—Besides the de-rating scheme (to be mentioned later), there are two statutes which are meant to help the farmer. The Agricultural Produce (Grading and Marking) Act (c. 19) authorizes the Minister of Agriculture and Fisheries (or the corresponding department in Scotland) to prescribe " grade designations " indicating the quality of articles of produce. On the sale of produce to which a grade designation is applied it is to be a term of the contract that the quality accords with the statutory definition indicated. Regulations will prescribe the appropriate " grade designation marks " ; forgery of such marks and other frauds and offences against the Act are penalized. Preserved eggs (of the domestic fowl or domestic duck) are not to be offered for sale unless marked in the prescribed manner. Premises for the cold storage or chemical storage of eggs may be registered by the local authority in accordance with departmental regulations. Registration is compulsory so long as the indication of origin of imported eggs is required by an Order in Council under s. 2 of the Merchandise Marks Act, 1926. During that period eggs produced in the United Kingdom may not be removed from cold or chemical storage premises unless marked in the prescribed manner ; anyone altering or obliterating a mark, or selling an egg with an altered or obliterated mark, commits an offence unless he proves he acted without intent to defraud.

The Agricultural Credits Act (c. 43) makes the English farmer a twofold offer of assistance. Part I gives him the chance to borrow on long-term credit for the purchase of his farm or the permanent improvement of his land. It contemplates the setting up of a company which will lend money on mortgage. A group of existing joint stock banks, by arrangements not specified in the Act, will manage and partially finance the company, though its rate of dividend is to have a statutory maximum of 5 per cent. The Minister of Agriculture, with Treasury approval, may make advances to the company (for establishing a guarantee fund) up to £750,000; he may also contribute £10,000 a year for ten years towards the cost of its administration. The Treasury may subscribe to debentures to be issued by the company up to one-fourth of each issue, not exceeding an aggregate of £1,250,000, such subscriptions to be deemed a local loan: the Treasury may also arrange the underwriting of debenture issues up to £5,000,000. The debentures will be a trustee security. The mortgage loans to farmers must not exceed two-thirds of the estimated value of the mortgaged property at the time of the loan; they will be repayable by equal yearly or half-yearly instalments of capital and interest spread over 60 years or otherwise as authorized. Broadly, the scheme avoids the creation of a State bank, utilizes the experience of existing commercial institutions and tries to give the farmer cheap money. The other form of help given by the Act is short-term credit assistance which should enable him to borrow on his industry by creating in favour of a bank a charge on all or any of his farming stock or other agricultural assets. These agricultural charges may be either fixed or floating charges; their effect in either case is carefully defined; they must be registered within seven days at the Land Registry Office or else they will be void as against anyone other than the farmer. As English farmers do not invite publicity in their financial concerns, a list of the charges or of the farmers' names is not to be published; but the register at the Land Registry can be inspected on payment of a fee in the usual way. There is a small concession for agricultural co-operative societies and there is provision against frauds by farmers. "Farmer" is defined as any person (not being an incorporated company or society) who, as tenant or owner of an agricultural holding, cultivates the holding for profit; agriculture and cultivation include the keeping of live stock, poultry or bees and the growth of fruit, vegetables and the like.

Administration of Justice.—The Administration of Justice Act (c. 26) has five parts. The first completes reforms, begun in 1925, for reorganizing and centralizing probate registries as recommended by Lord Tomlin's Committee; the qualifications of registrars and the status of their clerks are defined, and the modern policy of bringing such officers under civil service conditions is followed. The main feature of Part II is the declaration that, without prejudice to the statutory provisions as to distribution of business in the High Court in England, all jurisdiction vested in that Court under the consolidating Act of 1925 shall belong to all the divisions alike; the Lord Chancellor is empowered to transfer to other judges business which has been assigned by Parliament to special judges. This reform should remove the inconvenience revealed by cases like The Sheaf Brook, [1926] P. 61, which seemed to suggest that High Court business was still in watertight compartments and that the Judicature Acts had been passed in vain. Part III repeals the limit on the number of Dominion judges who may be members of the Judicial Committee. The rest of the Act contains minor miscellaneous provisions; one section deals with the qualification and tenure of office of the Vice-Chancellor of the County Palatine of Lancaster, another with the father's right to apply to a court under the Guardianship of Infants Acts for orders as to custody of an infant and the parents' access thereto, sex equality having apparently gone too far in the other direction.

Criminal Law.—The private member had considerable success with his legislative proposals in 1928. Some of the following minor amendments of the criminal law are due to his initiative. The Protection of Lapwings Act (c. 2) creates the new crime of selling lapwings' eggs for human consumption or, between March 1 and August 31, selling the birds themselves for the same purpose. A Criminal Law Amendment Act (c. 42) further enlarges the time limit within which a prosecution may be launched for offences against girls under sixteen. The three months' limit under the original Act of 1885 became six months in 1904 and nine months in 1922: on the recommendation of a Home Office committee it is further raised to twelve months in 1928. The well-intentioned Theatrical Employers Registration Act of 1924, designed to mitigate the hardships of touring actors and actresses left stranded by a defaulting manager, contained no effective provision for enforcing the law. An amending Act of 1928 (c. 46) authorizes prosecution by those local authorities which have the statutory function of keeping a register of theatrical employers: it also empowers the refusal, cancellation or suspension of registration where the applicant has been sentenced to imprisonment for an offence involving dishonesty. The Dogs (Amendment) Act (c. 21) puts the owner of a dog which kills poultry under the same liability as the owner of one which kills cattle. There is a small change of law as to leaving the carcases of cattle unburied in places where dogs have access, and a new provision about the delivery of stray dogs to the police.

Perhaps the most striking of these miscellaneous measures affecting the criminal law is the Racecourse Betting Act (c. 41). It legalizes the totalizator, under which name is included the pari-mutuel or any similar machine whether mechanically operated or not. The 1853 Act "for the suppression of betting houses" declared any house, office, room or other place opened, kept or used for the purpose of anyone betting with persons resorting thereto to be a common nuisance and contrary to law. As the famous Kempton Park case showed, a "place" within the meaning of the Act need not be a house or room but might be any defined space used for the forbidden purpose.[1] The 1928 Act begins by shielding from the 1853 Act "any approved racecourse or any act done thereon on the days on which horse races but no other races take place thereon." It then permits the Racecourse Betting Control Board or its authorized nominees to set up and operate a totalizator on approved racecourses whether in a building or not. The Board consists of a chairman and four persons officially appointed and seven other members representing the Jockey Club and other sporting interests: it may issue and revoke certificates of approval of racecourses, and may make conditions as to the admission of bookmakers, the totalizator fund and deductions therefrom for taxes, rates and other expenses, and for contributions to horse breeding, etc. The Act prohibits betting with persons under seventeen years of age.

State Insurance.—Miscellaneous amendments were made in the law of national health insurance in 1928 (c. 14), benefits being continued, for example, despite the fact that unemployment has caused the insured person to fall into arrears with his contributions. The new Act also sets up a special Deposit Contributors' Insurance Section to give normal benefits on a mutual insurance basis to persons who by reason of ill-health cannot obtain admission to an approved society. Other changes deal with inmates of hospitals, subscription to hospitals and charitable institutions, repayment of benefits improperly paid, staff superannuation of insurance committees, the mercantile marine, married women and preferential payments in bankruptcy. Fresh provision is also made, as regards approved societies, for the audit of their administration expenses, their rules, their investments and their amalgamations, and for inquiries into maladministration. By substituting a new list of additional benefits for that in the third Schedule of the principal Act of 1924, the cost of ophthalmic treatment is added. S. 16(3) enacts that regulations may be made as to arrangements for providing any service or appliances within the scope of the statutory additional benefits, but, if these take the form of clinical or other similar service, the insured person has the choice of any clinic or institution within those arrangements. Small contractors who are themselves engaged in manual labour, and also share fishermen, are brought within the insurance system by s. 20. Students of departmental machinery and the "special order" will be interested in the "provisional special order" arrangements in s. 17; it recalls the acceleration procedure devised under s. 78 of the 1911 Act in July, 1912.[1] The new Act, which has a heavy Schedule of minor amendments, in part followed the recommendations of the Royal Commission of which Lord Lawrence of Kingsgate was president.

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[1] *Powell* v. *Kempton Park Racecourse Co.*, [1897] 2 Q.B. at p. 257, and [1899] A.C. 143.

Conditions of Employment.—The working hours of shop assistants, first dealt with in 1904 by legislation later consolidated in 1912, were governed during the war period by Defence of the Realm Regulations. An order of 1917 under Regulation 10 B was subsequently reaffirmed by an Act of 1920, amended in 1921 and thereafter annually continued by Expiring Laws Continuance Act. The Shops (Hours of Closing) Act of 1928 (c. 33), following a Departmental Committee's report, modifies the law and makes it permanent. Shops must close not later than 9 p.m. once a week (the "late day") and not later than 8 p.m. on other days, these limits being the "general closing hours." The "late day" is Saturday unless the local authority fixes some other day: where the authority has fixed a day as the weekly half-holiday under the 1912 Act, some other day must of course be the "late day." There is an express saving for customers who are in the shop before the closing hour, for sales in case of illness, and for a number of transactions named in a Schedule. These include the serving of meals or refreshments (including table waters, chocolates and ices) for consumption on the premises or on railway trains; intoxicating liquors; tobacco on licensed premises during "permitted hours"; tobacco, chocolates and ices in theatres; medicine; newspapers; motoring, cycling and aircraft accessories; and stores for the army, air force or navy or for ships newly arrived or about to depart. Apart from the foregoing, there may be later "general closing hours" for tobacconists and sweet-sellers, subject to modification by the local authority; and there are special provisions for business at exhibitions or shows and for holiday resorts and sea fishing centres. The single-handed shop-keeper who is his own assistant was much mentioned during the debates on the Bill, but is not mentioned in the Act. The Home Secretary can suspend the restrictions at Christmas-time or on special occasions, and statutory penalties are increased and steepened.

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[1] See *S. R. & O.*, 1912 (No. 723), p. 636 (preamble, etc.).

Professional Discipline.—The Solicitors Act (c. 22) stops a gap. A solicitor, if struck off the rolls or suspended from practice for grave misconduct, has been able to take work as the employee of another solicitor, thus merely carrying on business in another man's name out of range of the Law Society's disciplinary authority. The 1928 Act forbids a solicitor to employ or remunerate anyone (without permission from the Society) who to his knowledge has been struck off or suspended. There is a right of appeal to the Master of the Rolls against the refusal to give permission. The employing solicitor may himself be struck off the rolls or suspended; the ex-solicitor employee commits an offence if he seeks or accepts employment without disclosing his disqualification; there is a six months' time limit for commencing a prosecution, and the proceedings require the consent of the Attorney General.

Currency.—It was claimed for the Currency and Bank Notes Act (c. 13) that it was the final step in a series of measures for reorganizing credit and currency in Britain. From 1844 until the Great War the Bank Charter Act had stood almost unchallenged. In August, 1914, the Treasury was permitted to issue currency notes of £1 and 10*s*. value and to authorize the issue of bank notes beyond the legal limit. The new Act transfers the issue of £1 and 10*s*. notes to the Bank of England, such notes to be legal tender throughout the United Kingdom and by the Bank itself. The Bank undertakes liability in respect of the transferred currency notes, and the assets (other than Government securities) of the Currency Note Redemption Account are handed over to the issue department of the Bank, a windfall of thirteen millions being thus added to the Sinking Fund for the redemption of debt. The Bank is to pay the Treasury each year the profits of the note issue; the new £1 and 10*s*. notes may be written off if not presented for payment within twenty years of the date of issue. "With a view to the concentration of the gold reserves and to the securing of economy in the use of gold" the Bank may temporarily (while s. 1(1) of the Gold Standard Act, 1925, is still in force) require persons owning over £10,000 worth of gold coin or bullion to furnish particulars and, unless the coin or bullion is *bona fide* held for immediate export or is *bona fide* wanted for industrial purposes, may claim to purchase it. A small penalty is created for defacing a bank note by printing or stamping any words, letters or figures thereon.

Important, if somewhat technical, sections in the new Act fix the amount of the fiduciary note issue, *i.e.* the amount of bank notes permitted to be issued in excess of the amount covered by the Bank's holding of gold coin and bullion. At the outbreak of the war the fiduciary issue had been under twenty millions; the new Act fixes it at £260,000,000. The Treasury (on request of, and in consultation with, the Bank) may reduce this amount temporarily; under s. 8 the Treasury may also authorize a temporary increase for a period not exceeding six months on representation from the Bank that increase is expedient. The authority so given may be renewed or varied from time to time on like representation but must not exceed two years unless Parliament otherwise determines. Treasury minutes authorizing an increase must be laid forthwith before Parliament.

The fiduciary note issue limit required readjustment also in relation to Irish banks. The Bankers (Ireland) Act of 1845 fixed the limits for the six Irish banks then entitled to issue their own private notes. The authorized total was over £6,000,000. When the Irish Free State's

Currency Act of 1927 made fresh arrangements for currency and bank notes in that part of Ireland, the old total required revision in respect of the requirements of Northern Ireland. The Bankers (Northern Ireland) Act of 1928 (c. 15) therefore schedules new limits for the fiduciary issues of the six banks, the total being reduced to £1,634,000. These limited issues are declared to be in addition to any bank notes which those banks may from time to time be authorized by Irish Free State law to issue within the Free State. Bankers in Northern Ireland are forbidden to pay out or put in circulation any bank or other notes forming part of the currency of a country outside the United Kingdom except so far as authorized by general or special licence of the Treasury.[1]

Finance and National Taxation.—The normal financial machinery of the year requires the annual Appropriation and Consolidated Fund Acts. A Post Office and Telegraph (Money) Act (c. 37) of common form provides for raising 27½ millions for postal, telegraph and telephone development. The usual Isle of Man (Customs) Act (c. 38) imposes or continues duties similar to those in the Finance Act.

The chief features of the Finance Act (c. 17) are as follows:—a hydro-carbon oils duty of 4*d.* per gallon on imported oil fuel (from which kerosine was exempted), estimated to produce £15,000,000 in a full year; a revived duty of 6*d.* on mechanical lighters; an extra 6*d.* per gallon on British wines; an import duty on buttons and enamelled hollow-ware, with a rebate for Empire products; a reduction of duty on imported raw sugar equivalent to ¼*d.* per lb. on the retail price; a reduction of the betting duty; a reduction of licence duty on hackney and commercial motor vehicles of certain capacities and weights and a rebate of 20 per cent. on larger vehicles if fitted with pneumatic tires. The income-tax allowances for children are raised from £36 to £60 for the first child and from £27 to £50 for each subsequent child, payment to begin from the year of birth. The standard rate of income-tax remains at 4*s.* in the pound: the scale of surtax, which henceforth replaces super-tax—*i.e.* the tax at a higher rate on incomes over £2,000 in respect of the excess over that sum—is restated. The surtax-payer is given the option of making his return of total income to the Special Commissioners. Companies within the net of s. 21 of the Finance Act of 1922 (when the Exchequer first legislated against the evasion of super-tax by shareholders in private companies which withheld the corporate income from distribution) can more quickly and finally clear up the uncertainties of their liability if they submit to the Special Commissioners their accounts and such other information as is called for within a time-limit. Elsewhere in the Finance Act arrangement is made for, firstly, a permanent annual charge for the National Debt to be used for specified purposes, secondly, borrowing to meet the interest on war or national savings certificates, and, thirdly, a Rating Relief Suspense Account in connexion with the finance of the Government's "de-rating" policy.

Local Taxation and De-rating.—"De-rating" is the popular name for the plan of releasing industry and agriculture from the burden of local taxation in the hope of diminishing unemployment. The plan is to relieve agriculture of the remaining quarter which it was still contributing to local rates, and to relieve industry and transport of three-quarters of their existing rate-burden; transport is not to pocket this benefit, but must pass it on to selected industries by a proportionate reduction of freights. This programme is not contained within the compass of a single statute. The Finance Act by its hydrocarbon oil duties and its Rating Relief Suspense Account makes a partial contribution. Arrangements for filling the gap in the local authorities' resources depleted by the de-rating scheme are left, with other important details, to be included in the large instalments of local government reform passed for England and Scotland in 1929 and therefore lying outside our period. Meanwhile the Rating and Valuation (Apportionment) Act of 1928 (c. 44) sorts out the properties which are to receive relief. These are classified as agricultural, industrial and freight-transport hereditaments and are to be distinguished as such in the coming valuation lists. Agricultural hereditaments consist of agricultural land and buildings (other than dwelling-houses) ; included under land are land used for plantations, land over ¼ acre used for poultry farming, market gardens, orchards and allotments but not park land, pleasure grounds, racecourses or sports grounds. Industrial hereditaments are broadly mines and mineral railways, factories and workshops, but the definition excludes premises primarily used as a dwelling-house, retail shop or wholesale distributive business or for storage or the purposes of a public supply undertaking. The freight-transport hereditaments (railways, canals and docks) were probably more easy to define. The rest of the Act is mainly concerned with the special provisions necessary for London and Scotland and with the steps to be taken by rating and assessment authorities and revenue officers to produce the valuation lists required.

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[1] For the general licence see *Belfast Gazette*, May 10, 1929, p. 543.

A not less technical measure is the Rating and Valuation Act (c. 8). It extends to London the relief in respect of the rating of machinery which the rest of England obtained in 1925. It also provides a temporary scale of statutory deductions to be made in ascertaining the rateable value of certain classes of metropolitan property: it seemed probable that there would otherwise be rather steep increases in the rate-burden of smaller houses in London at the next re-valuation in 1931. Another provision temporarily increases the owners' allowances conceded by s. 11 of the Act of 1925. One further proposal, withdrawn during debate, deserves notice. The Central Valuation Committee, set up under the 1925 Act to promote uniformity in valuation, had duly circulated its recommendations for the guidance of local authorities but, in meeting requests for advice, had encountered difficult points of law. To resolve these difficulties it would be necessary for some local authority to take an individual ratepayer to quarter sessions with the prospect of considerable expense in the proceedings both at sessions and on appeal. The Central Committee desired some kind of consultative machinery for taking the opinion of the High Court direct on such disputed points. It was therefore proposed that if the Committee, after consultation with bodies concerned, represented to the Minister of Health that a substantial question of law had arisen in relation to the valuation of hereditaments "and that, unless that question is authoritatively determined, want of uniformity or inequality in valuation may result," the Minister might submit the question for the opinion of the High Court. This proposal, not entirely unprecedented,[1] was in one sense a move away from the bureaucratic to the orthodox tribunal, but it was misliked as endangering the independence of the judiciary and as degrading His Majesty's judges into mere departmental solicitors. Heavy artillery was concentrated upon it in debate in the House of Lords, and it was withdrawn.

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[1] See, for the power to refer health and unemployment insurance questions to the High Court, 14 & 15 Geo. V, c. 38, s. 89(1), proviso (iii), and 10 & 11 Geo. V, c. 30, s. 10(1), proviso (ii) ; for the machinery for summary decision of questions as to transfer of local government powers see 51 & 52 Vict., c. 41, s. 29, and 56 & 57 Vict., c. 73, s. 70.

Commerce and Industry.—Amendments in the Patents and Designs Acts are made in order to enable effect to be given to the industrial property convention signed at The Hague on November 6, 1925. The Patents and Designs (Convention) Act (c. 3) for this purpose deals with the priority of patents, explains that three years from the date of the grant may run before the applicant is bound to work the patent, and provides for inventions used on vessels, aircraft and land vehicles temporarily or accidentally coming to the waters or soil of the United Kingdom. The Act contains a "printing clause" of the permissive type (as in the 1919 Act), placing no responsibility on the Clerk of the Parliaments to prepare and certify the text. The Cotton Industry Act (c. 11) reduces the levy contributed by cotton spinners in Great Britain to the Empire Cotton Growing Corporation for research: the rate per 500 lbs. of cotton comes down from 6*d*. to 3*d*. or such less rate as is determined by the Corporation with the approval of the Board of Trade. Under the Merchant Shipping (Line-throwing Appliances) Act (c. 40) Board of Trade rules can prescribe for the carrying of such appliances by British ships as part of their life-saving equipment. A decision of the House of Lords (*Biddulph* v. *Agricultural Wholesale Society*, [1927] A.C. 76) led to the passing of a brief Industrial and Provident Societies (Amendment) Act (c. 4) whereby, unless his written consent is first obtained, a member of a registered society is not to be bound by any amendment of rules requiring him to take up more shares or increase the value of his holding.

These minor measures are insignificant in length compared with the Board of Trade's main concern of the session, the Companies Act of 1928 (c. 45). Nearly 120 pages long, it embodies the copious reforms recommended by a strong committee of experts presided over by Mr. Wilfrid Greene, K.C. Being a mere string of amendments of the 1908 Act, it is a somewhat formless document. Apart, however, from a few detached clauses, it was not intended to come into force until the whole law had been rewritten in intelligible form.[1] It must suffice here to summarize the chief changes. In future a company must not, unless the Board of Trade consents, be registered by a name containing the word "Royal," "Imperial" or "Municipal" or suggesting Royal patronage or connexion with the Government or a department, local authority or chartered body: the use of the words "Co-operative," "Chamber of Commerce" or "building society" is also restricted. There are fresh provisions about colonial registers, henceforth to be called Dominion registers. S. 16 seeks to check the indirect subterfuges by which a company might purchase its own shares. S. 18 gives power to issue redeemable preference shares subject to safeguards. After a group of sections dealing with requisitioned meetings, the representation of companies at meetings of other companies, special resolutions, inspection of minute books and the register of directors, s. 32 tightens the law as to the offer of shares or debentures for sale to the public. The offer is to be deemed a prospectus and the directors are made responsible for including therein all the information essential in a prospectus. S. 33 enlarges the particulars which a prospectus must state—such as the rights of voting of different classes of shareholders and the auditors' report as to the past three years' dividends ; when a form of application for shares is issued, a full and not an abridged prospectus must accompany it. A weak provision in the 1908 Act as to minimum subscription is repealed ; in its place a statement is required of the minimum amount which the directors consider necessary to raise to cover (i) the purchase price of property, (ii) preliminary expenses and commission, (iii) repayment of moneys borrowed by the company for the foregoing purpose, and (iv) working capital. The one change in the law which Lord Wrenbury deemed retrogade gives power to issue shares at a discount, subject to certain conditions. Underwriting commission is not to exceed 10 per cent. Companies are to keep proper books of account, and shareholders will be better able to obtain copies of balance sheets and auditors' reports. The information to be given in balance sheets is prescribed ; holding companies are to show separately the aggregate amount of their assets in subsidiary companies, distinguishing shares and indebtedness and setting out profits and losses. In discussions on the lessons of the Hatry crash, it has sometimes been complained that the Board of Trade has been slow to use its powers. S. 48 of the 1928 Act (amending s. 109 of the 1908 Act) makes it easier for shareholders to obtain a Board of Trade inspection. If the Board thinks that a criminal offence has been committed and that the case is one which ought to be undertaken by the Director of Public Prosecutions, the Director will institute proceedings if he deems his intervention desirable in the public interest. There is new power for eliminating a dissentient minority (of not more than 10 per cent.) by acquiring its shares subject to the approval of the court, and a simplified procedure for facilitating reconstructions and amalgamations. Besides other amendments of winding-up machinery, there is a fresh attempt to secure for creditors effective control in the voluntary liquidation of an insolvent company. Frauds by officers of companies which have gone into liquidation are specially penalized. S. 77 has important provision for prosecuting delinquent directors ; s. 78, recalling recent litigation,[1] annuls any article or contract which exempts a company director or officer from " liability which by virtue of any rule of law would otherwise attach to him in respect of any negligence, default, breach of duty or breach of trust of which he may be guilty in relation to the company." In this connexion s. 279 of the 1908 Act is altered ; the court, in deciding thereunder whether a person ought fairly to be excused for negligence, etc., is to take into consideration all the circumstances of the case, including those connected with his appointment. Loans to directors are to appear in the accounts annually laid before a general meeting. A director interested, whether directly or indirectly, in a contract or proposed contract with the company must declare the nature of his interest at a meeting of the directors : this section has since been criticized as requiring a bank director, who presumably has personal investments in public companies, to tell his co-directors every time the bank allows one of those companies to overdraw. Undischarged bankrupts must not in future act as directors or take part in company management without leave of the court. A company must not in future act as liquidator, auditor or receiver of a company. Share hawking, *i.e.* offering shares from house to house, is absolutely forbidden by s. 92; written offers of shares must be accompanied by signed statements of prescribed particulars, but there is a saving for genuine stock exchange business. Anyone who issues in Great Britain a prospectus offering shares in a foreign company for subscription must file a copy of the prospectus here, and the prospectus must give a number of specified particulars; if he offers shares in such a company, the offer must be accompanied by a prospectus containing specified information. In this, as in other matters, the new Act seems to do its best to protect the community from rogues without intolerably restricting the honest trader. The Act concludes with a set of special provisions for Scotland; none of it applies to Northern Ireland except the initial limitation on including the words "Royal" and "Imperial" or words relating to the Royal Family in a company's registered name.

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[1] See the consolidating Companies Act, 1929 (19 & 20 Geo. V, c. 23), which came into force November 1, 1929. Of the 1928 Act thus superseded, s. 92 (share hawking) had taken effect on August 3, 1928 (under s. 118(4)), s. 53 on February 7, 1929 (see *S.R. & O.* 1929 (No. 545), p. 140).

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[1] See, for instance, *in re City Equitable Fire Insurance Co.*, [1925] Ch. 407.

Petroleum.—Before the Petroleum Acts could be consolidated, it was desirable to clarify and modernize the old legislation of 1871. The Petroleum (Amendment) Act (c. 20) alters the old definitions of "harbour" and "harbour authority," provides afresh for regulating the storage and use of petroleum-spirit for motor vehicles, motor boats, aircraft or specified engines, and deals specially with loading, conveyance and landing in and upon canals where at least one serious accident had occurred. An important new section empowers the issue of precautionary and restrictive regulations (with warnings to users) in respect of classes of petroleum-spirit likely to be dangerous or injurious to health; tetraethyl is not named in the Act but had lately been in the minds of the legislators. Another section authorizes county and borough councils to make by-laws as to petrol-filling stations "for the purpose of preserving for the enjoyment of the public the amenities of any rural scenery or of any place of beauty or historic interest or of any public park or pleasure promenade or of any street or place which is of interest by reason of its picturesque character." Will the local authorities use their chance or will commercial enterprise be too strong for æsthetic values?

Reform of the Calendar.—The advocates of a stabilized date for Easter won a notable if not an immediate success. The Easter Act (c. 35) fixes the date as the first Sunday after the second Saturday in April, a date reasonably near the middle of our present limits of variation under the Metonic system accepted in the reformed calendar of Pope Gregory XIII. Easter therefore now will join Christmas as a fixed feast but not till Parliament approves a draft Order in Council bringing the Act into force; in taking this step "regard shall be had to any opinion officially expressed by any Church or other Christian body." The Act does not apply to India, the six self-governing Dominions, Southern Rhodesia or Malta but may be extended elsewhere throughout the Empire by Order in Council.

Miscellaneous Enactments.—Mr. Speaker Whitley having retired from his office, an annuity was conferred upon him by statute (c. 16) according to the customary form employed in 1921 and in many earlier instances. A short Rag Flock Act (1911) Amendment Act (c. 39) removes doubts as to the meaning of "flock manufactured from rags." The Teachers (Superannuation) Act (c. 10) helps English and Scottish teachers who undertake work in British schools outside the United Kingdom. In 1925 Parliament allowed them to reckon towards pension four years' service in an oversea Dominion and one year's service in a British school in a foreign country: the 1928 Act extends the one year allowance in the latter case to four years as in the former.

Scotland and Northern Ireland.—The departmental changes affecting Scotland have already been mentioned. Five other statutes of 1928 relate exclusively to Scotland. The Rating (Scotland) Amendment Act (c. 6) makes small drafting adjustments in the 1926 Act, as to the definition of "rateable value," etc. The Betting (Juvenile Messengers) (Scotland) Act (c. 27) prevents bookmakers from using young persons under sixteen (not being persons employed by the Post Office) for conveying betting slips or messages, verbal or written, relating to bets. This is a step further than the Street Betting Act of 1906 which forbade betting with persons under 16. The Slaughter of Animals (Scotland) Act (c. 29) introduces the compulsory use of an approved mechanically operated instrument for the humane killing of animals other than swine in a slaughter-house or knacker's yard; the person operating the instrument must be licensed by the local authority. A local authority may employ persons for the slaughter or stunning of animals at its own slaughter-house and may charge for their services; this brings the employees within the Workmen's Compensation Act. There are provisions for by-laws and inspection, and there are savings for Jewish and Mohammedan methods, for killing infected animals, and for Glasgow where the Corporation already possesses powers in advance of the new Act. A brief Education (Scotland) Act (c. 28) provides for children who live more than three miles away from their school: previously excused from attendance, they must now attend if the local authority provides reasonable transport facilities. Following the unanimous report of a departmental committee, the Educational Endowments (Scotland) Act (c. 30) appoints a temporary commission to prepare draft schemes for the future government and management of endowments. The last statute of this kind was passed in 1882; meanwhile big changes in Scottish education—for example, the abolition of fees in primary schools and the reduction of the number of local education authorities—made fresh inquiry and revision desirable.

No enactments relate solely to Northern Ireland except the Miscellaneous Provisions Act and the Bankers (Northern Ireland) Act already summarized above.

Church Assembly Measures.—Only three Measures received the Royal assent in the session under review, after complying with the procedure of the Church of England Assembly (Powers) Act, 1919; the Prayer Book Measure was not one of these, the motion to present it for the Royal assent having been rejected in the House of Commons by 266 votes to 220. The Tithe (Administration of Trusts) Measure (No. 2 of 1928) chiefly aims at relieving the difficulties of the clergy over the quarterly payment of tithe; Queen Anne's Bounty, the corporation now chiefly concerned in the collection and payment of tithe throughout the country, is empowered to borrow money from the Ecclesiastical Commissioners to equalize the periods of payment. The Ecclesiastical Commissioners (Provision for Unbeneficed Clergy) Measure (No. 1) enables the Commissioners to make grants out of their Common Fund to clerks in Holy Orders who are engaged as curates or in secretarial or scholastic work and are not within previous provisions. The Clergy Pensions Measure of 1926 is amended by another Measure of 1928 (No. 3), extending its scope and dealing with qualifying pensionable service, assessable clerical income, reciprocal arrangements with organized bodies of clergy ministering outside England, the Church of England Pensions Board and other matters. The Ecclesiastical Committee of Parliament, in reporting on the amending Measure, recommended consolidation of the law. The Church Assembly could indeed usefully substitute consolidating Measures for many groups of scattered and overlapping enactments relating to subjects upon which it is competent to legislate. Parliament, having delegated the legislative function, is the less likely to move in the matter.

Local and Private Acts.—In the period under review there were 119 Local Acts. They cover every phase of the activities of local authorities and public undertakings, ranging (as the official index shows) from an aerodrome at Blackpool to a zoological park in Bedfordshire. Gas, water and electricity supply occur frequently as usual ; a notable feature this year is the successful application of the railways for road transport powers. It is an old story that a Local Act often ensures an experimental run for some novel clause which, after trial, may be found worth applying to the whole country. Two instances in 1928 may be cited : the provision in half a dozen towns for insurance of motor vehicles by hackney carriage proprietors, and the public health power (obtained for London, Sheffield and Rotherham) of removing infirm and diseased persons to an institution on justices' orders.

The single Private Act of the session dealt with the settlement of estates.

Departmental Legislation.—There were 1132 Statutory Rules and Orders in the year 1928 ; the annual totals show a steady fall since 1920 save for a slight set-back in 1926. Readers no longer need to be told that these rules and orders cover as wide a field as the statutes themselves and that the statutes have long since ceased to tell the whole story. If, for instance, the Finance Act puts new duties on mechanical lighters or hydrocarbon oils, regulations must prescribe the machinery of the tax. The Mechanical Lighters Regulations will conveniently apply s. 28 of the Inland Revenue Act, 1880, to a manufacturer as if he were a brewer ; the Hydrocarbon Oil Regulations will similarly apply sections of the Spirits Act, 1880, as if the oil were a spirit and the oil refiner a distiller. In addition to applying and extending statutes, Statutory Rules and Orders press the button for statutes to come into force. Fourteen Acts are definitely amended by Rules and Orders of 1928. Some of these amendments are trivial—brief alterations to give effect, for example, to the Reorganization of Offices (Scotland) Act, so that language framed to suit the members of a board may be fitted to cover the officers of a department. Other amendments are more bulky ; thus the schedule of forms appended to the Railway Companies (Accounts and Returns) Act, 1911, is (as permitted by s. 3(1) of that Act) replaced by over forty new pages of an order of the Minister of Transport. Another instructive instance is that of the Fertilizers and Feeding Stuffs Regulations which modify the five schedules of the 1926 Act before that Act has ever been brought into force. The existence of a rule-making power, however, does not necessarily imply hasty exercise ; the regulations for Scotland made in 1928 under s. 7 of the Cremation Act of 1902 were the first exercise of the power in relation to Scotland. Perusal of the official volume of Statutory Rules and Orders of 1928 may suggest that its hundreds of pages, when added to the mass of statutes passed in the same year, make up a bulk of legislation excessive and unnecessary. If the country demands this torrent of laws, it is hard to say by what other machinery the flow can be provided. Critics have suggested the interposition of a filter through which the flow should pass on issuing from the departmental tap. They recommend scrutiny by a standing committee of members of Parliament, hoping thus to reassert the legislative supremacy of Parliament which Parliament itself relaxes. What kinds of rules and orders would this filter be fashioned to intercept? Any question of *ultra vires* is best left to the existing functions (strengthened if necessary) of the law courts. Any question of administrative expediency can hardly be referred to a new body without impairing the direct responsibility of Secretaries of State and other Ministers to Parliament. If the filter is not going to diminish the ultimate volume, there seems little advantage in temporarily obstructing the flow. Fortunately guidance on these matters will be forthcoming in the report of the Earl of Donoughmore's Committee on Departmental Powers which the present Lord Chancellor set up last autumn.

2. JERSEY.

[*Contributed by* C. W. DURET AUBIN, ESQ., *Barrister-at-Law*.][1]

During the year 1928 twenty-three Acts of the States were sanctioned by His Majesty in Council. Of them only four were of other than purely local interest, and only one Order of His Majesty in Council of general interest was registered by the Royal Court during the period under review.

Black List for Habitual Drunkards.—By Act No. L-84 it is enacted that persons who have been convicted either of drunkenness, or of offences committed whilst in a state of drunkenness, twice within a period of twelve months can be placed upon a "Black List" by order of the Royal Court.

It is also provided that upon the application of three relations or friends, or of the Constable (Mayor) of a parish, an habitual drunkard may also be placed upon the same list by the same authority.

The effect of being placed upon the "Black List" makes it illegal for anyone to provide a "Black Lister" with, or to obtain for him, any alcoholic drink.

Borstal Institution.—By Act No. L-89 power is given to the Royal Court to order the detention in a "Borstal Institution" of persons between the ages of 16 and 21 found guilty of a felony or misdemeanour punishable by penal servitude or by a sentence of hard labour of one month or more.

Bird Protection.—By Act No. L-91 it is made an offence to kill or to trap or snare certain classes of wild birds deemed to be useful to agriculture and horticulture.

The house sparrow, jay, magpie, carrion crow, cormorant and shag remain entirely unprotected. All other wild birds are protected either wholly, or between August 1 and March 31.

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[1] E. T. Nicolle, Esq., Vicomte de Jersey, who had contributed the summary of Jersey legislation to the Society's *Journal* for twenty years, died on August 13, 1929.

Income-tax.—By Act No. L-100 an income-tax is, for the first time in the history of the island, enacted. A further innovation is the enactment of the Bill in the English language, French being the official language of the Acts of the States.

The Act, which provides for the levying of a tax upon income for a period of five years, came into force as from January 1, 1928.

A maximum rate of 1*s*. in the £ is stipulated.

The Act is based mainly upon the principle of deduction at source, the rate of tax is a flat one, the exemptions are those of the English Acts, no distinction is made between earned and unearned income and there is no surtax.

The rate of tax for 1928 was fixed at 6*d*. in the £.

Air Navigation.—By the Order in Council No. L-82, to be known as the Air Navigation (Jersey) Order, 1928, the provisions of the Air Navigation (Consolidation) Order, 1923, as amended by the Air Navigation (Amendment) Order, 1925, and by the Air Navigation (Amendment) Order, 1927, are, with certain modifications, made to apply to Jersey.

3. NORTHERN IRELAND.

[*Contributed by* SIR ARTHUR S. QUEKETT, K.C., LL.D.]

The fourth session of the second Parliament of Northern Ireland was opened on March 6 and prorogued on December 18, 1928. Thirty public general Acts were passed into law and eight local Acts (including an Act to confirm a Provisional Order made by the Ministry of Home Affairs). Political interests were, no doubt, stirred by the Representation of the People Bill, which dealt with the Parliamentary and Local Government franchises. Students of legislation, however, must attach at least equal importance to a series of statutes having for their object the development of trade in the agricultural products of Northern Ireland, and the conservation of her natural resources.

Agricultural Produce and Live Stock.—The Marketing of Potatoes Act (c. 17) deals with one of the most important exports in the agricultural industry. In moving the second reading of the Bill in the House of Commons, the Minister of Agriculture said, "The growing of potatoes is one of our Northern Ireland specialities. The trade is an exceedingly valuable one. Moreover, the potato is our chief tillage crop, and upon it our system of crop rotation depends. The total area grown in Northern Ireland in 1928 exceeds the area under potatoes in Scotland by 10,500 acres, and the average quantity of potatoes exported from Northern Ireland is about 200,000 tons per annum. We are able to produce as good potatoes as any country in the world, but if top price on the British market is to be obtained, marketing methods must be improved." The Minister proceeded to quote, from the report of an expert committee, the following pronouncement: "We received conclusive evidence that Northern Ireland at present stands in the gravest danger of losing its chief outlet for its important potato industry. In many of the large British consuming areas buyers are evincing the strongest disinclination to take Northern Ireland potatoes. These buyers complain, and the justice of their complaint is beyond question, of inferior selection and dressing; of the mixing of varieties of dissimilar keeping, cooking and table qualities; of the incorrect description of consignments; of waste through the use of improper bags; of shortage of weight; and of other undesirable features." The object of the Act is to ensure the maintenance of proper standards of quality, grading and packing as regards potatoes consigned from Northern Ireland to the markets of Great Britain, the Irish Free State and the Isle of Man. It provides that a licence must be obtained from the Ministry of Agriculture by any person proposing to send potatoes to those countries, and it empowers government inspectors to examine potatoes and certify as to their compliance with prescribed requirements. At the same time, the Act enables special permits to be granted for consignments of potatoes grown by the consignor himself, for small consignments, and for consignments of potatoes sent for experimental and other exceptional purposes. Offences against the Act are to be prosecuted before courts of summary jurisdiction, and are made punishable by fine and in some cases by imprisonment. In the case of potatoes consigned to the Irish Free State, the provisions of the Act are in the first instance limited, so as to apply only to consignments ultimately intended for shipment to Great Britain or the Isle of Man. At the same time, power is conferred on the Ministry of Agriculture to make rules which would have the effect of requiring potatoes intended for Irish Free State markets to comply with the general requirements of the Act as to standards. The Act has a constitutional interest, because it is one of a group of measures which the Government of Northern Ireland had for some time in contemplation, but whose introduction into Parliament was deferred because of doubts as to whether their enactment would be within the legislative powers of the Northern Ireland Parliament. Those doubts were removed by s. 2 of the Northern Ireland (Miscellaneous Provisions) Act, 1928,[1] which was passed by the Parliament of the United Kingdom and received the Royal Assent on August 3, 1928. The Marketing of Potatoes Act contains the first-fruits of this clarification of the Government of Ireland Act, 1920.

The Slaughtered Animals (Compensation) Act (c. 26) also owes its enactment to the removal of the constitutional doubts. It provides for the establishment of a fund to which recourse may be had for the payment of compensation to the owners of cattle, sheep or pigs exported from Northern Ireland in cases where the animals are slaughtered under the authority of law at some port in Great Britain in consequence of an outbreak, or suspected outbreak or apprehended danger of foot-and-mouth disease. The management of the fund is placed under a Trust consisting of six persons representative of the cattle traders of Northern Ireland, and, failing the appointment of this Trust, its functions are to be carried out under the direction of the Ministry of Agriculture. The fund is formed by means of charges paid by the owner upon each animal delivered for shipment to a port in Great Britain, and the method of payment of the charges is by the purchase from the trustees of adhesive stamps to be attached to a document delivered to the ship-owner and known as "The Owner's Statement." Claims for compensation in respect of the slaughtering of cattle, sheep or pigs are to be investigated by committees of assessors consisting of three persons, being members of the Trust or persons engaged in the business of exporting the particular kind of live stock affected. A parallel measure was passed by the Parliament of the Irish Free State.[1]

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[1] 18 & 19 Geo. V, c. 24.

The Marketing of Eggs Act (c. 27) amends the previous Acts of 1924 and 1926 in certain respects. By it the law as to registration of premises used for the preservation of eggs is brought into accord with the provisions enacted for Great Britain by the Agricultural Produce (Grading and Marketing) Act, 1928. The Northern Ireland statute also makes it unlawful to cause eggs produced in the United Kingdom, which have been kept in cold-storage or chemical-storage, to be removed from the premises where the eggs have been kept unless they have been marked in such a manner as the Ministry of Agriculture may prescribe; this provision is to remain operative so long as an Order of His Majesty in Council under the Merchandise Marks Act, 1926, is in force prohibiting the sale or exposure for sale in the United Kingdom of unmarked imported eggs. It is, moreover, rendered unlawful to sell or expose for sale any egg which has been subjected to a process of preservation unless the egg is marked in the prescribed manner; but power is reserved to the Ministry of Agriculture to exempt from this prohibition eggs preserved by any process with respect to which the Ministry is satisfied that the marking of eggs preserved by that process cannot be enforced.

Inland Fisheries.—Northern Ireland possesses valuable inland fisheries. The salmon fisheries of the rivers Foyle and Bann are famous, both as regards the quality and the quantity of their fish; the Lough Neagh eel fishery is generally regarded as the most important of its kind in Europe; and the stocks of trout and other popular inland fish either furnish a means of livelihood to resident fishermen, or attract anglers from many parts of Great Britain. The conservation of these valuable assets was recognized by the Government of Northern Ireland as an imperative duty, and a Bill was introduced in order to improve, by more effective regulation, the stocks of fish in inland waters. This Bill became law under the title of "The Fisheries Act" (c. 13).

Part I of the Fisheries Act concerns the tenure of office and method of resignation of office by members of local Boards of Fishery Conservators, and the filling of casual vacancies on those Boards. In particular, it extends the period of office from three to five years.

Part II prohibits the sale of fresh salmon, trout or eels except under licence obtained annually from the local Conservators (with an appeal, in case of refusal, to the Ministry of Commerce), and it requires the holder of a licence to keep a register of purchases and sales of fish on the premises to which the licence applies. Part II provides that every package containing salmon, trout or eels "in course of transit in Northern Ireland" shall be marked with the description of the fish and the name and address of the consignor. This part of the Act also restricts the capture and possession of eels, with reference to the size of the fish and the period of the year within which they may be captured. The enforcement of the provisions previously existing as respects the illegal capture of salmon and trout had been found to be difficult in cases where the fish had been removed from the place of capture and could not be definitely traced to a particular offender; and the main object of Part II of the Act is to meet this difficulty. As regards the salmon and fresh-water fisheries of England and Wales, the same difficulty had been experienced, and in the year 1923 an Act was passed to deal with it.[1] In 1925 legislation for the same purpose was passed by the Irish Free State Parliament.[2] It should be noted that the Northern Ireland Act deals with eels as well as salmon and trout.

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[1] Slaughtered Animals (Compensation) Act (No. 12 of 1928).

Part III of the Act increases various licence duties to the following figures: single salmon rods, £1 10*s.*; draft nets (including draft nets for pollen) or seines, £2; trammel nets, £1; long lines for eels, £2. Higher duties were proposed under these heads in the Bill as introduced in Parliament, but the Government conceded reductions so as to bring the duties to the above figures, and also abandoned a proposal to increase the duty on salmon draft nets from £3 to £6.

Part IV of the Act confers increased powers of inspection, examination and detention of fish upon the Royal Ulster Constabulary, and upon authorized officers of Boards of Conservators and of the Ministry of Commerce. It gives to the Ministry a measure of control over the appointment and dismissal of officers of Boards of Conservators. It also provides that, upon the trial of fishery offences, a court of summary jurisdiction is to consist of paid "Resident Magistrates" only, and that the county court, when hearing appeals in such cases, is to consist of the county court judge or recorder sitting alone.

Part V, amongst other provisions, empowers the Ministry of Commerce to grant exemptions from the fishery laws to owners of fisheries, for the purposes of artificial propagation or scientific investigation.

Preservation of Game.—The Game Preservation Act (c. 25) was inspired by the same policy—the conservation of a national asset—and adopts some of the same remedies as the Fisheries Act. Poaching had become the rule rather than the exception in Northern Ireland, and the public had come to look with a comparatively lenient eye on offences against the Game Laws. The popular impression that game rights were the peculiar property of the landlords and the leisured and wealthy classes did much to bring about this condition of affairs. Various developments, and in particular the transfer of holdings to tenants under the Land Purchase Acts, have taken place since the passing of the earlier Game Laws. Game rights, instead of being vested in a few persons only, may at the present time be said to belong to many thousands, and to afford occasion for profit or employment to numerous others.

The opening section of the Act removes a statutory prohibition to the effect that the police shall not be employed "to enforce any Acts relating to the laws for the preservation of game . . . except only in cases where forcible resistance shall have been actually made and proved by information taken on oath." The prohibition was removed on the ground that it seriously interfered with the preservation of game as an asset to the community, and that there was no longer any danger of the police "being used as private game-keepers." The Act goes on to strengthen the powers of the police in other respects. A police officer is authorized to demand the production of an excise certificate to kill game, where he has reasonable ground to suspect a person of being unlawfully in pursuit of game for which such a certificate is required. Upon failure to produce the certificate, the person in default and the premises upon which he is found may be searched, and, in certain cases, an offender may be immediately arrested and brought before a justice of the peace, who can hold him to bail or commit him to gaol until the next petty sessions court.

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[1] 13 & 14 Geo. V, c. 16. See *Journal of Comparative Legislation*, Third Series, vol. vii, pt. ii, p. 6.

[2] Act No. 32 of 1925. See *Journal of Comparative Legislation*, Third Series, vol. ix, pt. ii, p. 40.

Every licensed game dealer is required by the Act to keep a register of purchases, receipts, sales and disposals of game, and to enter therein particulars as to his transactions. This register is to be open to inspection by persons authorized by the Ministry of Home Affairs or members of the Royal Ulster Constabulary of a rank not lower than sergeant. Woodcock and snipe are added to the several species of game for dealing in which a licence is required.

Snipe are taken out of the list of game, for the killing or taking of which a certificate is required. A statutory close season is established for woodcock and snipe, and to that extent the Act removes those species of birds from the operation of the Wild Birds Protection Acts.

As in the case of the Fisheries Act, the disposal of game which has been illegally taken is provided against by requiring all packages containing game in transit in Northern Ireland to be marked on the outside with the word "Game," and to show the name and address of the consignor. The same precedent is followed in other respects, such as the bestowal upon the police of additional powers of search, entry of premises and detention of game; the constitution of the courts of summary jurisdiction by which various offences in relation to game are to be tried; and the constitution of the county court when hearing appeals in such cases.

Housing Subsidy.—C. 23 empowers the Ministry of Home Affairs to give the government subsidy in the case of houses completed before April 1, 1930, and being "of the kitchen or small parlour type with a minimum of 500 superficial feet in rural districts and 550 superficial feet elsewhere, and a maximum of 650 superficial feet." At the same time the Act enables local authorities to promote the construction of such houses in any of the cases authorized by the existing Housing Acts, *i.e.* by a supplemental subsidy, by loans made free of interest or by exemption from local rates.

Rent and Mortgage Interest (Restrictions).—C. 19 prolongs until May 1, 1933, the duration of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920,[1] as that Act applies in Northern Ireland, that is to say, in the case of dwelling-houses of which the rateable value is not above £26 and in the case of mortgages comprising dwelling-houses within that valuation.

Unemployment Insurance.—The Unemployment Insurance Act (c. 3) was passed in order to keep this service parallel to the Unemployment Insurance service in Great Britain. Accordingly, its provisions correspond with those of 17 & 18 Geo. V, c. 30, which received the Royal Assent on December 22, 1927.[2] It lays down the principle of giving a statutory right to benefit to the insured contributor who is unemployed, if he proves that the statutory conditions are fulfilled in his case, and if he is not disqualified under the Unemployment Insurance Acts for the receipt of benefit. The Act also introduces lower rates of contribution in the case of "young men and young women," *i.e.* persons who have attained the age of eighteen years but have not attained the age of twenty-one years.

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[1] 10 & 11 Geo. V, c. 67.

[2] See *Journal of Comparative Legislation*, Third Series, vol. xi, pt. ii, p. 5.

The weekly rates of benefit for the various classes of persons are also made to correspond with the weekly rates adopted for Great Britain by the Act of 1927.

Health Insurance.—C. 11 was passed to deal with the situation which arose in the earlier part of the year, when a Bill was introduced in the Parliament of the United Kingdom for giving effect to various recommendations of a Royal Commission upon the National Health Insurance system. These recommendations involved the amendment of the National Health Insurance Act, 1924,[1] a statute which applies to the whole of the United Kingdom, including Northern Ireland. An arrangement was arrived at between the Governments of Great Britain and Northern Ireland that the necessary amending legislation to be introduced at Westminster should apply to Northern Ireland, not only as regards matters with respect to which the Northern Ireland Parliament has no power to make laws, but also as regards transferred matters—with the proviso that, in the latter connexion, the amending Bill should not come into operation unless and until provision to that effect were made, either by Act of the Northern Ireland Parliament or by Order of the Governor of Northern Ireland in Council made in pursuance of such an Act. Accordingly, c. 11 provides that, as respects transferred matters, the Westminster legislation shall come into operation in Northern Ireland on such date as may be declared by the Governor in Council to be the date of its commencement as respects other matters. The Act also makes provision for charges upon moneys voted by the Parliament of Northern Ireland to defray the additional cost of benefits, and additional expenses of the administration of benefits, entailed by the extension to Northern Ireland of the provisions of the Westminster Bill. The last-mentioned Bill became law on July 2, 1928, and on November 6 an Order was made by the Governor in the Privy Council of Northern Ireland, which had the effect of extending to Northern Ireland the statute passed at Westminster.

At the same time, the Northern Ireland Act makes some minor amendments of the National Health Insurance code as respects matters suitable for treatment by the Parliament of Northern Ireland.

Legitimation by Subsequent Marriage.—The Legitimacy Act (c. 5) is in effect an extension to Northern Ireland of the Legitimacy Act, 1926, passed by the Parliament of the United Kingdom (16 & 17 Geo. V, c. 60),[2] which provides for the legitimation of children born out of wedlock by the subsequent marriage of their parents.

Relief of Exceptional Distress.—The Local Government (Ireland) Act, 1898,[3] which established county and county borough councils in Ireland, gave to those bodies the duty of levying and collecting the rate for poor relief, but left the general administration of that rate in the hands of the boards of guardians. S. 13 of the Act of 1898, however, enabled the councils, if satisfied by the guardians of the existence of exceptional distress in a poor law union, to apply to the central government authority for an order relaxing the conditions of the poor law, so as to enable the guardians to administer relief " to poor persons of any description." The Poor Relief Act (c. 18) was passed in order to remove difficulties which arose in Northern Ireland in setting s. 13 of the Act of 1898 in

[1] 14 & 15 Geo. V, c. 38.

[2] See *Journal of Comparative Legislation*, Third Series, vol. x, pt. ii, p. 11.

[3] 61 & 62 Vict., c. 37.

motion. It repeals that section, and makes provision whereby the necessary order may be made by the Ministry of Home Affairs, either on representation from the guardians of the poor law union concerned, or on the initiative of that Ministry.

Queen's University of Belfast.—The Queen's University was entitled by virtue of the Government of Ireland Act, 1920, ss. 31 and 64(3),[1] to annual sums amounting to £36,000, to be voted by the Parliament of Northern Ireland. C. 21 authorizes the payment out of voted moneys of a further annual grant of £4,000 for the general purposes of the University. The Act made an increase in the amount of the capital grant payable to the governing body of the University to assist them in erecting and equipping an Agricultural Science Laboratory, and it authorized the provision out of voted moneys of various expenses connected with the Agricultural Faculty of the University. The governing body were also given by the Act power to borrow money for terms of years (not exceeding in any case fifty) for purposes of capital expenditure in connexion with lands and buildings.

Superannuation and other Trust Funds (Validation).—C. 6 enacts for Northern Ireland provisions similar to those which are in force in Great Britain by virtue of 17 & 18 Geo. V, c. 41, which was passed upon the report of a Departmental Committee appointed by the Treasury " to examine the effect of the Rule of Law against Perpetuities in its application to certain superannuation funds and funds with analogous purposes." The Act provides for relief from the Rule against Perpetuities, on registration of the fund with the Registrar of Friendly Societies for Northern Ireland. It applies to funds established under a trust in connexion with some undertaking carried on wholly or partly in Northern Ireland.

Roads Improvement.—The Roads Improvement Act (c. 10) was a second instalment of the policy initiated in the Motor Vehicles (Traffic and Regulation) Act of 1926.[2] The earlier Act aimed at increased security upon roads by means of traffic regulation, whilst the later Act, for the same purposes, provides for the improvement of the roads and their suitability for motor traffic.

S. 1 enacts a new procedure to which local authorities may, if they think fit, have recourse, in cases where they wish to acquire land compulsorily for the purpose of improving or widening an old road or street or making a new road or street. This procedure is set out in the schedule to the Act, and it enables the local authority to acquire the land by means of a " vesting order " made by the Ministry of Home Affairs upon application by the local authority, after due notice to interested parties, the consideration of objections, and (if the Ministry thinks it necessary) the holding of a local inquiry. The " vesting order " has the effect of passing and vesting in the local authority an estate in fee simple in the land to which it relates, discharged from all claims, estates, incumbrances or charges whatsoever. The rights and claims of all persons in respect of the land or any interest therein are, as from the date of vesting, transferred and attached, to the extent to which compensation may be found to be payable, to the rate or fund out of which the expenses of the local authority are defrayed, and those rights and claims are to be discharged by payments out of that rate or fund. The "vesting order," or the title created by it, is to be registered in the proper office for the registration of deeds or titles, as the case may require. On and after the date of vesting, the local authority may enter upon and use the land to which the vesting order relates, but they are to pay 5 per cent. interest upon the compensation money from the date of vesting until that money is paid to the party entitled, or into court. Upon the question of the proper amount of compensation, an appeal from the official arbitrator to the county court is given in certain cases.

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[1] 10 & 11 Geo. V, c. 67.

[2] 16 & 17 Geo. V, c. 31 (N.I.). See *Journal of Comparative Legislation*, Third Series, vol. x, pt. ii, p. 27.

The Act gives new powers to local authorities to take steps to prevent obstructions and encroachments upon roads. It enables a local authority to close a road to certain classes of vehicle, if satisfied that the road is unsuitable for use by a vehicle of such a class and would be damaged if used by such a vehicle. The Act gives a power to provide parking places, and enables the erection of road petrol pumps to be permitted. It empowers local authorities to regulate or prevent the placing of overhead wires and projections, the flowing of water on to footpaths, and the washing of soil or refuse into streets. It includes a provision enabling the Ministry of Home Affairs, either by itself or through some approved organization, to conduct, at the expense of the Road Fund, experiments or trials for the improvement of road construction or for testing the effect of vehicles upon various types of roads.

Loans Guarantee.—By the effect of two Acts passed in this session (cc. 2 and 20), an increase was made in the maximum limit of the guarantees which the Ministry of Finance may give in respect of loans for undertakings calculated to promote employment in Northern Ireland, bringing the total up to £11,500,000. The time within which the power of giving guarantees might be exercised was extended until March 31, 1930.

Parliamentary and Local Government Franchises.—Under the Government of Ireland Act, 1920, the members of the House of Commons of Northern Ireland were to be elected by the same electors as were entitled to vote for the return of members from constituencies in Northern Ireland to the House of Commons at Westminster; but the power to change the law as to the franchise for the Northern Ireland Parliament passed to that Parliament after three years had elapsed from the date of its first meeting. In view of this arrangement, the Representation of the People (Equal Franchise) Act, 1928,[1] was in its application to Northern Ireland limited to the franchise for elections to the Parliament at Westminster. In these circumstances, and having regard to the convenience of preserving the same franchise and a single register for both sets of parliamentary elections, a parallel Representation of the People Act (c. 24) was passed by the Parliament of Northern Ireland. This Act provides, in the first place, that the parliamentary franchises in respect of elections of members of the House of Commons of Northern Ireland shall be the same for men and women. This provision corresponds with s. 1 of the Representation of the People (Equal Franchise) Act, except that the assimilation of the parliamentary franchise of men and women is extended by the Northern Ireland Act to the removal of the peerage disqualification (from which peeresses in their own right had already been exempted by s. 9(5) of the Representation of the People Act, 1918). The Northern Ireland Act assimilates the local government franchise of men and women. It also gives the local government franchise to companies upon twelve months' rated occupation of premises of £10 valuation and upwards, the franchise to be exercisable by nominees of the company not exceeding six and allowing one representative for each £10 of valuation.

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[1] 18 & 19 Geo. V, c. 12.

It should be noted that the Northern Ireland Act introduces an overriding qualification of three years' residence in the United Kingdom, in the case of the residence qualification for the parliamentary vote, and in the case of the occupation qualification for the local government vote (except in the case of business premises). There is, however, a proviso which exempts from this overriding qualification naval and military voters, persons who have served in the forces during the six months' qualifying period, and persons born in Northern Ireland.

De-rating.—The Rating and Valuation (Apportionment) Act (c. 30) accomplishes the first stage in the process of de-rating. It requires the Commissioner of Valuation to distinguish and show in the Valuation Lists three classes of hereditament: "Agricultural hereditaments," *i.e.* agricultural land and buildings; "industrial hereditaments," *i.e.* any hereditament occupied and used as a mine, quarry or mineral railway, or, subject to certain limitations, as a factory or workshop; "freight-transport hereditaments," *i.e.* any hereditament which is part of a railway, canal or dock undertaking and is occupied and used for the conveyance of merchandise.

A special set of Valuation Lists is directed to be brought out on October 1, 1929, and provision is made in the Act for the making of claims by occupiers of industrial or freight-transport hereditaments, and for appeals from the Commissioner's decisions on the Valuation Lists to the Court of Quarter Sessions and from that Court to the Supreme Court.

The initial stage in the process of de-rating was simpler in Northern Ireland than in Great Britain, because the valuation of property upon which local rates are assessed is in Northern Ireland carried out by an authority of the central government, and not, as in Great Britain, by the local authorities.

The giving, by means of Exchequer grants, of relief from local rates in respect of the segregated classes of rateable hereditament was left to be dealt with in the year 1929.

Amendment of Borough Funds Act.—Under the Borough Funds (Ireland) Act, 1888,[1] the governing body of a town is prohibited from charging upon the local rates the expense of promoting a local Bill in Parliament, except with the approval of the local government electors given by resolution passed at a meeting specially summoned. By an amending Act (c. 22) greater flexibility is given as regards the submission of resolutions to the meeting of electors. Under the Act of 1888 each proposed local Bill had to be put as a whole to the meeting; but the amending Act enables each clause of a Bill to be put to the meeting in a separate resolution. The altered procedure corresponds with that which was set up in England by the Borough Funds Act, 1903.[2]

The amending Act releases governing bodies of towns, not being county boroughs, from the necessity of obtaining the sanction of the meeting of electors before incurring expenses in opposing a Bill in Parliament; it thus applies to these towns the provision which was made, in the case of the county boroughs, by the Local Government (Ireland) Act, 1898. C. 22 also makes specific provision for the payment of expenses, in the case of a Bill or part of a Bill which is withdrawn, up to and inclusive of its deposit in Parliament and withdrawal. The Act of 1888 dealt only with the expenses of convening and holding the meeting of electors.

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[1] 51 & 52 Vict., c. 53.

[2] 3 Edw. VII, c. 14.

Taxation.—In the Finance Act (c. 9) relief from Capital and Transfer Stamp Duty was given in the case of reconstructions or amalgamations of companies. This relief is similar to, and is to be dealt with in the same way as, the relief conferred in Great Britain by 17 & 18 Geo. V, c. 10, s. 55.

C. 9 also provides that the Ministry of Finance may make arrangements with the Ministry of Home Affairs for the exercise by officers and constables of the Royal Ulster Constabulary, either concurrently with the Ministry of Finance or to the exclusion of that Ministry, of any powers of that Ministry with respect to the issue of, and the collection of the Excise Duty chargeable on, game certificates and licences and gun licences.

The Finance (No. 2) Act (c. 29) deals, in the first place, with the licence duty payable by bankers. The Bankers' Composition (Ireland) Act, 1828,[1] enabled banks to issue notes upon unstamped paper if they compounded for the stamp duty. The provisions of this Act were unsuitable for Northern Ireland. Certain banks escaped payment under this Act, because they did not issue notes, but they were required to contribute to the Exchequer by way of composition under special agreements. The Bank of Ireland was exempt from the Act, by reason no doubt of its close relations with Imperial finance; but a different bank had been appointed as the bank of the Northern Ireland Exchequer. The Finance (No. 2) Act alters the previous arrangements by relating the licence to the business of the banks, so that all banks carrying on business in Northern Ireland are licensed on the same basis. S. 1 charges a stamp duty of £30 upon a banker's annual licence. S. 2 provides for the issue of the banker's licence by the Ministry of Finance, the power of issue being mandatory in the case of the eight existing banks carrying on business in Northern Ireland. In the case of banks already authorized by statute to issue notes, the new licence operates as if it were a licence under the Act of 1828. The licence must be taken out for each place where banking is carried on, subject to a payment by any one bank of a maximum duty of £120 per annum. S. 3 repeals and re-enacts in concise form the somewhat obscure provisions under which banks compounded for the stamp duties payable on their bills of exchange and bank post bills—notably, a provision which found a place in the Bankers' Composition (Scotland) Act, 1853,[2] but which extended also to Ireland.

Horse-races obtain exemption from entertainments duty under s. 4 of the Finance (No. 2) Act. When putting forward this proposal the Government explained that it was not because of their interest "in any horse-race *per se*," but because they were concerned to assist the farmers in breeding thoroughbred horses for hunting and racing. S. 5 of the Act throws light upon some dark places of the entertainment's duty code. It declares that gymnastic and athletic displays are included in the category of "games or sports played or contested by any persons," and that "boxing is a sport which is ordinarily contested indoors."

Continuance of Special Powers. — The Civil Authorities (Special Powers) Act (Northern Ireland), 1922,[3] empowered the Government to take steps outside the ordinary law for preserving the peace and maintaining order; the civil authority named in that Act is the Minister of Home Affairs and, under him, any officer of police to whom he may delegate powers. For some years it had not been necessary to make any extensive use of the Act, but it was of temporary duration and was kept upon the statute books by successive Expiring Laws Continuance Acts. The Civil Authorities (Special Powers) Act (c. 15) provides for its further continuance until December 31, 1933.

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[1] 9 Geo. IV, c. 80.

[2] 17 & 18 Vict., c. 63, s. 7.

[3] 12 & 13 Geo. V, c. 5 (N.I.).

Administrative Matters.—The Administrative Provisions Act (c. 14) contains an amendment of the Acquisition of Land (Assessment of Compensation) Act, 1919.[1] S. 1 provides that where land is taken compulsorily by a local or public authority, other than a government department, the Official Arbitrator is to be a person appointed by the Minister of Finance and not a member of the panel appointed by the Reference Committee. S. 2 makes provision for the appointment of a Government Chemist for Northern Ireland to discharge the functions which, prior to the coming into operation of the Government of Ireland Act, were discharged by the principal Government Chemist at the Government Laboratory in Great Britain. Provision is made by s. 4 for the appointment of officers of government departments to discharge statutory functions in connexion with obtaining representation to deceased persons where the gross value of the personal estate does not exceed £500. This provision was rendered necessary by the curtailment of the Customs and Excise Staff (United Kingdom) located in Northern Ireland. That staff had previously discharged various functions by way of "agency" for the Government of Northern Ireland, in such matters as licence duties and old age pensions claims.

The Constabulary Act (c. 4) makes amendments, as regards finance and administration, in the Act of 1922,[2] by which the Royal Ulster Constabulary force was established. The Act of 1922 required a distribution as between headquarters, depot, the reserve force, and the county and county borough force, and it limited the respective numbers of district inspectors, head constables, sergeants and constables. C. 4 enables the force to be distributed over Northern Ireland from time to time in such manner as may seem fit to the Minister of Home Affairs, provided that the general strength of the force is kept within the limit fixed by the earlier Act, viz. 3,000. The Act of 1922 made it necessary for the Minister to fix the number of police to be assigned to a county or county borough as a "free quota," and required the payment by the council of a county or county borough of one-half of the cost of any additional force stationed in their area. The Act of 1928 makes new arrangements, under which, for a period of seven years from April 1, 1926, the Belfast Corporation pay an annual sum of £25,000 in respect of police services, whilst the other county authorities are released from any payment towards the cost of constabulary. This arrangement is subject to review by Parliament, in the case of Belfast, after the seven years' period expires, and, in the case of the other authorities, at any time. S. 3 of the Act authorizes the Belfast Corporation to pay to the Exchequer a sum of £66,000 in settlement of a disputed claim in respect of the cost of the employment of special constabulary for police duty in the city. S. 6 deals with some administrative difficulties which had arisen owing to the application to the Ulster Constabulary (by a general provision of the Act of 1922) of the Royal Irish Constabulary code of statute law. Under the R.I.C. code all police property was vested in an official appointed as " Receiver," and questions arose as to how far a similar arrangement gave to the Government of Northern Ireland a satisfactory title to Royal Ulster Constabulary property. The Receiver also had to carry out financial duties under applied provisions of the R.I.C. code which were regarded as inconsistent with modern departmental finance. C. 4 abolishes the office of Receiver, vests all Royal Ulster Constabulary property in the Ministry of Home Affairs and merges the financial duties of the Receiver in those of the accounting officers of the Ministry.

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[1] 9 & 10 Geo. V, c. 57.

[2] 12 & 13 Geo. V, c. 8 (N.I.).

4. IRISH FREE STATE (SAORSTÁT ÉIREANN).

[*Contributed by the* HON. MR. JUSTICE HANNA, *Judge of the High Court.*]

The volume of statutes for 1928 issued by the Irish Free State is the thinnest yet published, the Acts being thirty-eight in number.

Constitution.—When in 1922 the Constitution of the Irish Free State was passed, the provisions as to Referendum and Initiative were much discussed as giving a protection to the people against the legislature and enabling legislation to be initiated outside the Oireachtas. These two institutions have now been buried. By the Constitution (Amendment No. 10) Act (No. 8), the articles of the Constitution dealing with these two topics have been amended or deleted from the Constitution. By s. 1 of the Act, the words " and Initiative " are deleted from Art. 14. By s. 2, Art. 47, which provided for the Referendum, is deleted; by s. 3, Art. 48, dealing with the Initiative, is similarly deleted; and by s. 4, Art. 50 is amended by the deletion of the words " and as such shall be subject to the provisions of Art. 47 hereof." The Constitution (Amendment No. 13) Act (No. 14) amends the provisions of the Constitution with regard to Bills (other than Money Bills) which may be passed by the Dáil and rejected by the Senate. Under Art. 38 a Bill passed by Dáil Eireann and considered by the Senate shall, not later than 270 days after it is first sent to the Senate, be deemed to be passed by both Houses in the form in which it was last passed by Dáil Eireann. By s. 1 of this Act, that article of the Constitution is deleted, and in lieu thereof a new article, 38A, is created, which provides that a Bill passed by Dáil Eireann and twice sent to the Senate shall, if Dáil Eireann so resolve, after the expiration of sixty days from the second sending to the Senate, be deemed to have been passed by both Houses in the form in which it was last sent to the Senate, with such (if any) amendments as may have been made therein by the Senate and agreed to by Dáil Eireann.

Finance.—The Finance Act (No. 11) continues the income-tax at 3s. in the £ (s. 1); discontinues super-tax (s. 2) as such, but substitutes therefor surtax on incomes over £2,000. S. 7 exempts persons in the consular service of a foreign State from the payment of income-tax or surtax on emoluments paid to them by such foreign State. S. 8 confirms an agreement of April 25, 1928, made between the British Government and the Government of Saorstát Eireann with regard to relief from the payment of double income-tax. This agreement amended in certain respects the Agreement made on April 14, 1926, and confirmed by s. 2

of the Finance Act (No. 35), 1926. This agreement became necessary in consequence of the alterations in the British Income-tax Acts effected by the British Finance Act, 1927, and of alterations contemplated in the Irish Free State Income-tax Acts. S. 11 continues the duty of 33⅓ per cent. on all motor-cars and component parts and accessories imported into Saorstát Eireann. S. 14 empowers the Minister of Finance to make regulations exempting, for a limited period, from motor-car duty cars brought into Saorstát Eireann by persons making only a temporary stay therein. S. 21 alters the customs duty to be paid on sugar, and exemption was granted to spirit varnish and certain parts of fat by s. 24. Ss. 26 and 27 exempt from payment of entertainment tax, race meetings and the national athletic festival known as Aonach Tailtean. Corporation profits tax on profits of foreign companies is altered by s. 31 from 5 per cent. to 7½ per cent.

The rate for inland telegrams is increased from 1*s*. per 12 words or less to 1*s*. 6*d*. by the Telegraph Act (No. 10).

Courts of Law.—During the four years within which the new judiciary and procedure had been in operation, under the Courts of Justice Act (No. 10), 1924, it had been found that certain minor amendments were necessary. These are effected by the Courts of Justice Act (No.15). S. 2 provides for the exercise by a substitute of the jurisdiction of the Chief Justice if he be unable through illness or absence from Saorstát Eireann to transact the business of his office. By s. 5, additional powers are conferred on the Court of Criminal Appeal, so that, notwithstanding any point of law raised which might be decided in favour of the appellant, the Court could dismiss the appeal if they consider that no miscarriage of justice has actually occurred. The Court can also order the re-trial of a person whose conviction they have reversed.

The number of circuit judges and district justices had been found insufficient. S. 9 increases the number of the circuit judges by two, and s. 13 increases the district justices by four assistant justices. There was a great deal of discussion in both sides of the legal profession over the provisions of s. 14, which enacts that no person who becomes a barrister or a solicitor after the passing of the Act can be appointed an assistant justice unless he satisfies the Minister that he can discharge the duties of his office in the Irish language. This was the introduction of a principle that has been subsequently given a wider application to the legal profession. Under this head, we should mention the Bodies Corporate (Executors and Administrators) Act (No. 9), which enables grants of probate and letters of administration to be made to bodies corporate, such as bank, insurance and guarantee companies, either alone or jointly with the other proper persons.

Public Safety Laws.—The Public Safety Law (No. 31), 1927, passed in consequence of the murder of Mr. Kevin O'Higgins, the Minister of Justice, is repealed by the Public Safety Act (No. 38).

Local Government.—The Local Government (Rates on Small Dwellings) Act (No. 4) makes provision for the rating of the owners of small dwellings under £6 valuation, in lieu of the occupiers. Under ss. 6 and 7 rents of such dwellings may be adjusted and increased in accordance with the burden thrown on the landlord.

Dental Profession.—By the Dentists Act (No. 25) the position of that profession is correlated to that of the Medical Profession, and control and registration thereof provided for through a Dental Board, and the establishment of a Register of Dentists for Saorstát Eireann. S. 45 makes it unlawful and subject to penalty, with certain exceptions, to practise dentistry or dental surgery unless the practitioner is a registered dentist. S. 46 prohibits the practice of dentistry by any body corporate, subject to fine.

Electoral Law.—The method of election of the members of the Senate has always given dissatisfaction, and accordingly, to establish and facilitate a new method of election of senators several amendments in the Constitution had to be made and a new Seanad Electoral Act passed. By the Constitution (Amendment No. 9) Act (No. 27), Art. 31 of the Constitution is amended providing that a citizen will be eligible for election to the Senate at the age of 30 years instead of 35. The Constitution (Amendment No. 9) Act (No. 28) deletes Art. 33 of the Constitution as to the procedure for the nomination of candidates and substitutes an Article prescribing the formation of a panel of candidates before such election. The manner in which the election of senators should be held, and the manner in which, under the new Article, the panels are to be formed, are enacted by the Seanad Electoral Act (No. 30). The Constitution (Amendment No. 6) Act (No. 13) amends Art. 14 of the Constitution by repealing the right of every citizen over 30 years of age to vote for members of the Senate, and also amends Art. 32, which made the entire Saorstát one electoral area for a Senate election by enacting that the electors for the Senate shall now be the members of Dáil Eireann and the members of the Senate voting together on principles of proportional representation. As to election petitions in reference to Seanad elections, s. 14 of the Act (No. 29) provides that the court trying such a petition shall not have power to declare the whole election void, but only the election of one or more of the candidates.

Agricultural Credit.—Following on the Agricultural Credit Act (No. 24), 1927, which was passed to establish a corporation to afford State aid to farmers, the Agricultural Credit Act (No. 22) gives priority, in respect of registered land, to charges in favour of the Agricultural Credit Corporation, but provides for the protection of persons having equitable interests in the land.

Dairying Industry.—The regulation and control of this industry is dealt with by the Creamery Act (No. 26), which makes it unlawful for any person to acquire or establish a creamery without a licence from the Minister of Agriculture. It contains elaborate provisions as to shareholding and inspection.

Diseases of Animals.—The Slaughtered Animals (Compensation) Act (No. 12) provides for the establishment of a fund for the payment of compensation to the owners of cattle, sheep or pigs exported from Saorstát Eireann and slaughtered under the authority of law at a port in Great Britain in consequence of an outbreak or suspected outbreak of foot and mouth disease. Trustees of the fund are appointed and a scale of charges to be paid to the trustees by the exporters. There is a procedure for the determination of claims and the assessment of the compensation.

Art.—The National Gallery of Ireland Act (No. 20) authorizes the Governors of the Irish gallery to hold public exhibitions of pictures and to lend pictures from the National Gallery to exhibitions in the Saorstát Eireann, or abroad, if in the latter case the law of the foreign country permits similar loans of pictures to be made to the Saorstát.

II. NORTH AMERICA.

1. DOMINION OF CANADA.

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1926.

The first session of the 15th Parliament opened on January 7, 1926, and closed by dissolution on July 2, 1926. Seventeen Public Bills and seven Private Bills were passed. Besides these there were 124 Divorce Bills.

The Liberal administration under the Right Hon. William Lyon Mackenzie King as Premier had continued in office throughout the 14th Parliament (1921–5) and to within four days of the close of the 15th Parliament (1926), at which time, June 28, 1926, Mr. King resigned the office of Prime Minister, His Excellency the Governor-General having declined to accept the advice of the Ministry to grant a dissolution. A Conservative administration was formed on June 29, by the Right Hon. Arthur Meighen and was granted dissolution on July 2. Upon the defeat of this government in the general election which followed in September 1926, Mr. King assumed office again as Prime Minister.

Customs Tariff.—C. 7 of the Statutes of 1926 provides that the rates of customs duties, if any, under the British Preferential Tariff shall apply to goods of the following British countries when conveyed without transhipment from a port of any British country enjoying the benefits of the British Preferential Tariff into a sea or river port of Canada, namely, the United Kingdom, Bermuda, the British West Indies, British Guiana, British India, Ceylon, Straits Settlements, New Zealand, Union of South Africa and Southern Rhodesia, and any other British Colony or possession admitted to the benefits of the British Preferential Tariff in Canada. Provided, however, that goods entitled to the benefits of the British Preferential Tariff shall be accorded such benefit when such goods are shipped on a through bill of lading consigned to a consignee in a specified port in Canada when such goods are transferred at a port of a British Colony or possession not enjoying the benefits of the British Preferential Tariff, and conveyed without further transhipment into a sea or river port of Canada.

Excise.—C. 9 provides that tobacco and cigars may be removed from an excise warehouse to a customs bonded warehouse without payment of duty when for delivery only as ship's stores, under such restrictions and regulations as the Governor in Council deems necessary.

Income-tax.—C. 10 provides that dividends to individuals shall be liable to tax. Then it deals with personal corporations controlled directly or indirectly by one person who resides in Canada, or by one such person and his wife or any member of his family or combination of them or any other person or corporation on their behalf. The income of a personal corporation shall on the last day of each year be deemed to be distributed as a dividend to the shareholders thereof, and each shareholder's taxable portion shall be such percentage of the income of the corporation as the value of all property transferred or loaned by such shareholder is of the total value of all property of the corporation acquired from the shareholders. Provision is also made for the valuation of the property transferred, and for the case of one personal corporation succeeding another.

This Act further provides that carrying charges or expenses of unproductive property or assets not acquired for the purposes of a trade, business or calling or of a liability not incurred in connexion with a trade, business or calling, shall not be allowed as a deduction in determining income.

Under this Act an incorporated company is not subject to a tax in respect of dividends paid to it by a company incorporated in Canada the profits of which have been taxed under the Act. An incorporated Company is exempted from taxation in respect of dividends received from a company incorporated outside of Canada to the extent that the latter corporation has earned income within Canada and actually paid a tax in respect of such income under the Act.

The rate of taxation is very considerably reduced on income of individuals. The normal rate upon income in excess of exemptions is reduced about 10%. The statutory exemptions are increased to $3,000 for married persons or householders or any other person with dependent parent or grandparent, daughter or sister, son or brother under twenty-one years of age or incapable of self-support on account of mental or physical infirmity. The exemption in the case of other persons is $1,500, and for each child under eighteen years of age dependent upon the taxpayer for support $500.

Where husband and wife have each a separate income in excess of $1,500, each receives an exemption of that amount in lieu of any other exemption. If a husband transfers property to his wife, or *vice versa*, the husband or wife, as the case may be, shall nevertheless be liable to be taxed on the income from such property or from property substituted therefor. And where a person transfers property to his children such person is liable to be taxed on the income from such property unless the Minister is satisfied that such transfer was not made to evade taxation.

Family corporations are next dealt with, meaning a corporation (other than a personal corporation) 75% of the stock of which is owned by the members of one family, one or more of which members take an active part in the business operations of the corporation, or a corporation (other than a personal corporation) 80% of the stock of which is owned by persons actively employed in the business of the corporation or by such persons and their families. The shareholders of a family corporation may elect that the income of the corporation may be dealt with as if such corporation were a partnership. Each shareholder shall then be deemed to be a partner, and is taxable in respect of the income of the corporation according to his interest as a shareholder. Notice of a resolution of the shareholders electing to adopt these provisions is sent to the Minister. Dividends of a family corporation are subject to taxation only to the extent that the dividends are in excess of the amount of the income of the corporation which, following upon election, has been taxed under this provision.

A loan or advance made by a corporation lawfully empowered to make loans to its shareholders is not taxable, but any loan or advance to, or appropriation of the funds of the corporation by, a shareholder of a corporation other than a loan or advance incidental to the business of the corporation, is deemed to be a dividend to the extent that such corporation has on hand undistributed income.

As to capital stock reductions, where a corporation having undistributed income on hand reduces or redeems any class of the capital stock or share thereof, the amount received by any shareholder by virtue of the reduction is to the extent to which such shareholder would be entitled to participate in such undistributed income on a total distribution thereof at the time of such reduction, deemed to be a dividend and to be taxable income. An exception is made as to any class of stock controlled by an instrument authorizing the issue of such class, not entitled on being reduced or redeemed to participate in the assets of the corporation beyond the amount paid up thereon plus any fixed premium and a defined rate of dividend.

Where a corporation, having undistributed income in hand, redeems its shares at a premium out of such income, the premium is deemed to be a dividend and to be taxable income.

Where a person owning shares of a corporation transfers such shares to a second corporation acting as his agent or trustee and the second corporation subsequently receives a dividend from the first-mentioned corporation and applies the income thus received directly or indirectly (*a*) in payment of the shares purchased by the second corporation from such person; or (*b*) in the discharge of any liability incurred to such person by reason of the purchase of such shares; or (*c*) in the discharge of a loan obtained by the second corporation for the purpose of paying for such shares, then such person shall be taxable in respect of such dividend as if he had received it in the year that the first-mentioned corporation declared the dividend.

When as the result of the reorganization of a corporation or the readjustment of its capital stock, the whole or any part of its undistributed income is capitalized, the amount capitalized shall be deemed to be distributed as a dividend during the year in which the reorganization or readjustment takes place, and the shareholders of the said corporation shall be deemed to receive such dividend in proportion to their interest in the capital stock of the corporation or in the class of capital stock affected.

An important exemption is added in this Act, in relation to foreign shipping companies. It is the income of a non-resident person or a non-resident corporation which consists exclusively of earnings derived from the operation of a ship or ships registered under the laws of a foreign country which grants an equivalent exemption to residents of Canada and to corporations organized in Canada.

Opium and Narcotic Drugs.—C. 12 is an amendment to the Act of 1923 in which Canada sought to control the traffic in dangerous drugs. The amendment provides that where a retail druggist sells narcotics to a physician, veterinary surgeon, dentist or druggist, he must have an order in writing.

Railway Belt Water Act.—C. 15 is an Act to bring the Dominion legislation into harmony with the revision of the British Columbia statutes in connexion with water rights in the railway belt. Prior to 1910 there was some doubt as to who controlled the water rights in the railway belt. In 1912 the Privy Council decided that the federal government had the control.

West Indies Trade Agreement.—C. 16 is an Act to approve the agreement of July 6, 1925, made at Ottawa between the Government of Canada and representatives of the Governments of the Bahama Islands, Barbados, Bermuda, British Guiana, British Honduras, Jamaica, the Leeward Islands, Trinidad and Tobago, and the Windward Islands. Under this agreement, which remains in force for twelve years, and is terminable on one year's notice, specified goods, the produce or manufacture of any of the parties, which are conveyed without transhipment, except transhipment at a port of any of the said colonies, by ship direct into a sea or river port of Canada, are to be admitted into Canada at a reduced rate of duty, not more than 50% of the duties imposed on similar goods under the General Tariff of Canada. Concessions are granted to Canadian goods by each of the parties. The Government of Canada undertake to arrange for a mail, passenger and freight steamship or motor-ship service between Canada and the West Indies with vessels of prescribed size and accommodation.

1927.

The first session of the 16th Parliament opened on December 9, 1926, and closed on April 14, 1927. Seventy-six Public Bills and thirty-six Private Bills were passed. There were also 196 Divorce Bills.

Supply received the first attention of Parliament in the new session in December, and $64,590,350.74, was voted, being the balance required for the year, after deducting the amount expended for public services under the special warrants issued by the Governor-General in the interregnum. Six appropriation Acts were passed altogether to provide for the years 1926 and 1927.

Diamond Jubilee of Confederation.—The Dominion of Canada began its national career July 1, 1867. In order to celebrate worthily the sixtieth anniversary of that event, one of the first Acts of this session (c. 6), An Act to incorporate a National Committee for the celebration of the Diamond Jubilee of Confederation, was passed.

Grand Trunk Pacific Securities.—C. 7 is an Act to confirm a scheme of arrangement with holders of 4% Debenture Stock of the Grand Trunk Pacific Railway Company. The object was to clear up a difficulty of very long standing in connexion with the said debenture stock which was conditionally guaranteed by the Grand Trunk Railway of Canada but on which this Company was not paying interest. The Grand Trunk Pacific Railway Company had been in the hands of a receivership since 1919. This particular issue of debenture stock was a perpetual issue, that is to say, it never matured. The debentures were originally sold to the public to the extent of about £7,000,000. The government of Canada became the possessor of £3,000,000 of the debentures through a transfer from the Grand Trunk Pacific at a time when it asked the government of Canada for assistance, and gave these £3,000,000 as security. The debentures were not only a charge on the Grand Trunk Pacific, but also a charge on the old Grand Trunk system, but only when the profits on the Grand Trunk system would warrant the payment of interest on these debentures after prior charges. The government of Canada had not guaranteed this stock. Successive governments of Canada took the position that they were not responsible for payment. But in 1923 the Grand Trunk Railway Company of Canada, after paying interest upon its securities having priority over these other guaranteed securities, was called upon, out of its earnings, to pay the interest because it had earned it, and it was asserted that owing to the difficulty of separate accounts, inter-departmentally, of the various systems, it was practically impossible to say that it had not earned the money in the years 1924, 1925 and 1926.

Negotiations between the Government and a committee representing the holders of 85% of the debentures were held, and reached conclusions embodied in the present Act. Under its terms the Canadian National Railway system will pay 2% per annum upon these 4% perpetual debentures, and the other 2% is to be paid into a sinking fund so as to amortize or pay off within a period of thirty years this entire obligation. The Canadian National Railway Company is authorized to issue new stock for the certificates registered in the names of the holders, to an amount not exceeding £7,176,801 par value, being the par value of the balance of the total issue of £10,176,801 of the Grand Trunk Pacific Railway Company stock outstanding after deducting from such total issue the certificates representing £3,000,000 of Grand Trunk Pacific Railway held by His Majesty in the right of the Dominion of Canada as collateral security for advances made by His Majesty to the Grand Trunk Railway Company. The Government of Canada guarantees the payment of principal and interest of the new stock, and the provision for and application of the instalments of the sinking fund and other relative clauses of the scheme of arrangement. The receivership of the Grand Trunk Pacific Railway Company is terminated, and that Company and any company included in its system is to be amalgamated by the Canadian National Railway Company.

The whole scheme of arrangement was assented to in writing by more than three-fourths of the debenture holders.

Montreal Harbour.—C. 8 is an Act to provide a loan to the Harbour Commissioners of Montreal. The loan is for $12,000,000 to enable the corporation to carry on the construction of terminal facilities in the harbour for which plans, specifications and estimates have been approved by the Governor in Council before the passing of the Act, and to construct such additional terminal facilities as are necessary properly to equip the said port.

Evidence.—C. 11 is an Act to amend the Canadian Evidence Act as respects bank books and records. A copy of an entry in any book on record kept in any bank shall in all legal proceedings be received as *prima facie* evidence of such entry and of the matters, transactions and accounts therein recorded. It is further provided that a copy of an entry in such book or record shall not be received in evidence unless it be first proved that the book or record was, at the time of the making of the entry, one of the ordinary books or records of the bank, and that the entry was made in the usual and ordinary course of business, and that the book or record is in the custody or control of the bank, and that such copy is a true copy thereof. Such proof may be given by the manager or accountant of the bank either orally or by affidavit. The bank officers are not to be compellable to produce their books in any legal proceeding to which the bank is not a party unless by order of the court made for special cause. On application of any party to a legal proceeding, the court may order that such party shall be at liberty to inspect and take copies of entries in the books and records of a bank for the purposes of any such proceedings. Two clear days' notice of the hearing must be given to the opposite party, and if such person cannot be notified personally such notice may be given by addressing the same to the bank.

Canadian National Railway Branch Lines.—Cc. 12 to 26 of this session are Acts to authorize the construction of branch lines prior to August 31, 1930, by the Canadian National Railway Company in the Provinces of Quebec, Ontario, Saskatchewan and Alberta, nearly all in the two last-named Provinces. The object, of course, is the development of these vast Western areas. The Canadian Pacific Railway Company is also engaged in the construction of branch lines in the West.

Canadian National Steamships.—C. 29 is an Act respecting the Canadian National Steamships and to provide for the establishment of a West Indies Service. It gives the Governor in Council power to establish a West Indies steamship service through the Canadian National (West Indies) Steamships, Limited, a company to be formed under the provisions of the Companies Act for a mail, passenger and freight steamship or motor-ship service in accordance with Part II of the West Indies Trade Agreement, set forth in the schedule to the West Indies Trade Agreement Act, 1926.

Exchequer Court.—C. 30 is an Act to amend the Exchequer Court Act to provide that each judge, whether heretofore appointed or hereafter to be appointed, shall cease to hold office upon attaining the age of 75 years, or immediately if he has already attained that age.

Income War Tax.—The rates of tax provided for in the Income War Tax Act, 1917, as amended, are in respect of the income for the year 1926 and thereafter reduced by 10% by this c. 31. It also provides that any information or complaint in respect of causes arising under the Act may be laid or made by any person authorized thereto by the Minister. The exemption for children is made $500 for each child under 21 years of age who is dependent upon the taxpayer for support.

Indians.—C. 32 is an Act to amend the Indian Act, under which the Indians of Canada are controlled and treated as the wards of the nation. This Act adds a provision that where the capital standing to the credit of an Indian band does not exceed the sum of $2,000, the Governor in Council may authorize the expenditure of such capital for any purpose which may be deemed to be for the general welfare of the band. It then goes on to give power to make regulations governing the operation of pool rooms, dance halls and other places of amusement on Indian Reserves, and for the prevention of disorderly conduct and nuisances on Reserves. Another section forbids the taking or acquisition of any title to any Indian grave-house, carved grave pole, totem-pole, carved house post or large rock embellished with paintings or carvings on an Indian Reserve, without the written consent of the Superintendent of Indian Affairs, and no such mentioned property is to be removed, taken away, mutilated, disfigured or destroyed without such written consent. Severe penalties are provided for violation. Any Indian found in a state of intoxication can be arrested by any constable or peace officer without warrant. If he refuses to state where the intoxicant was procured he is liable to a penalty. This Act provides that in any prosecution a certificate of analysis by a provincial or dominion analyst shall be accepted as *prima facie* evidence of the facts stated therein as to the alcoholic or narcotic content of the sample analysed. There is another provision in this Act, to prevent exploitation of the Indians by persons soliciting payment or contributions from Indians to prosecute claims, which the tribe or band to which they belong is represented to have. The consent of the Superintendent-General in writing must be obtained before such action is taken.

Judges.—C. 33 is an Act to amend the Judges Act, and it provides for the salary of an additional judge of the Supreme Court of Canada. The Chief Justice of Canada shall receive $15,000 per annum, and six puisne judges each $12,000 per annum. A section is added that if any judge of the Supreme Court of Canada or of the Exchequer Court of Canada ceases to hold office by reason of his attaining, or having attained, the age of 75 years, he may be granted an annuity equal to that which he would then be eligible to receive if this Act had not been passed, and if he had at that time resigned his office; or, if he be not at that time eligible for the grant of an annuity, if he were appointed before the passing of this Act, or if, having been appointed after the passing of this Act, he shall have continued in office for a period of at least ten years, he may be granted an annuity equal to two-thirds of the salary annexed to the office at the time when he ceased to hold it, to commence immediately and to continue during his natural life.

National Revenue.—C. 34 is an Act to create a new Department of the Government of Canada called the Department of National Revenue. The object is to concentrate in one department the work of the Customs and Excise Departments and of the Income-tax branch. For this purpose there are three chief officers appointed under the Minister, namely, Commissioner of Customs, Commissioner of Excise and Commissioner of Income-tax, and an assistant Commissioner of Customs is also to be appointed. The Minister of the new department is charged with the collection of customs, all duties of excise, stamp duties and the preparation and issue of stamps and stamped paper, except postage stamps, internal taxes, including income-taxes, and such other duties as may be assigned to him by the Governor in Council.

Old Age Pensions.—The Old Age Pensions Act, 1927 (c. 35) is new legislation in the Dominion of Canada. The system adopted in this Act is the joint concern of the Provinces and the Dominion. The Governor in Council is authorized to make an agreement with the Lieutenant-Governor in Council of any Province for the payment to such Province of an amount equal to one-half of the net sum paid out by such Province for pensions pursuant to a provincial statute authorizing and providing for the payment of such pensions to the persons and under the conditions specified in this Act and the regulations made thereunder. Every such agreement continues in force so long as the provincial statute remains in operation or until after the expiration of ten years from the date upon which notice of an intention to determine the agreement is given by the Governor-General to the Lieutenant-Governor of the Province with which the same was made. Before the agreement comes into operation the Governor in Council shall approve the scheme for the administration of pensions proposed to be adopted by the Province, and no change in such scheme shall be made by the Province without the consent of the Governor in Council. As soon as agreements have been made with two of the Provinces adjoining the Northwest Territories, the Commissioner of the said territories may submit a similar scheme for such pensions which, on approval of the Governor in Council, shall stand in all respects, other than its duration, in the same position as an agreement with a Province. The pension is payable to every person who, at the date of the proposed commencement of the pension, (*a*) is a British subject, or being a widow, who is not a British subject, was such before her marriage; (*b*) has attained the age of 70 years; (*c*) has resided in Canada for the twenty years immediately preceding the date aforesaid; (*d*) has resided in the Province in which the application for pension is made for the five years immediately preceding the said date; (*e*) is not an Indian as defined by the Indian Act; (*f*) is not in receipt of an income as much as $365 a year, and (*g*) has not made any voluntary assignment or transfer of property for the purpose of qualifying for a pension. The receipt of a pension shall not by itself constitute a disqualification from voting at any provincial or municipal election. The maximum pension payable is $240 yearly, subject to reduction by the amount of the income of the pensioner in excess of $125 a year. Where a pensioner is the owner of an interest in a dwelling-house in which he resides, and the pension authority accepts a transfer to it of such interest, the pension is not subject to any reduction in respect of the annual value of such interest, but on his death or upon his ceasing to use such dwelling-house as his residence, his interest may be sold, and the pension authority may retain of the proceeds sufficient to equalize the excess allowance, with interest at 5%, compounded yearly. A pension authority may recover out of the estate of any deceased pensioner the sum of the pension payment made to such pensioner with interest at 5% compounded yearly, but not out of any part of the pensioner's estate which passes by will or intestacy to any other pensioner or to any person who has since the grant of such pension or for the last three years regularly contributed to the support of the pensioner to an extent which, having regard to the means of the person so having contributed, is considered by the pension authority to be reasonable.

Where a pensioner has during part of twenty years preceding commencement of pension resided in more than one Province, the Province in which the pension is granted is entitled to be reimbursed by the other Province or Provinces a portion of the pension equal to the proportion which the duration of the pensioner's residence in such other Province bears to twenty years, and if a pensioner has during part of the preceding twenty years resided in a Province in which he would not have become pensionable even if he had continued to reside therein, the amount of pension otherwise payable is reduced in the same proportion. Rules governing reimbursement and reduction of pensions in such cases are prescribed in the Act. If the pensioner transfers his permanent residence to another Province where an agreement is in force, his pension is payable by that Province, which is entitled to be reimbursed by the Province in which the pension was originally granted. If the Province to which he moves is not under an agreement, his pension is payable by the Province in which the pension was granted. If he moves to some place out of Canada his pension ceases, but revives on his again becoming resident in Canada.

No pension is subject to alienation or transfer by the pensioner, or to seizure in satisfaction of any claim against him. Provision is made for obtaining evidence of the age of any pensioner, and the Governor in Council is empowered to make regulations covering generally the administration of the Act. In each year the Minister is to make a full report to Parliament of agreements made and of moneys expended under the provisions of the Act.

Supreme Court.—C. 38 provides that the Supreme Court of Canada shall consist of a Chief Justice to be called the Chief Justice of Canada, and six puisne judges, who shall be appointed by the Governor in Council by letters patent under the Great Seal. This Act adds one puisne judge to that bench. A further provision is that each judge, whether heretofore appointed or hereafter to be appointed, shall cease to hold office upon attaining the age of 75 years, or immediately if he has already attained that age.

Agricultural Pests Control.—C. 40 is an Act to regulate the sale and inspection of Agricultural Economic Poisons. Poison means any substance, or admixture of substances, represented as a means for preventing, destroying, repelling or mitigating any and all fungi, weeds, insects, rodents, or other plant or animal pest, collectively or individually affecting agriculture. No person shall be permitted to manufacture, import, advertise, or in any other manner whatsoever offer for sale in Canada, any brand of poison unless it has been registered under this Act and assigned a registration number. Applications for registration are to be made in prescribed form, giving the name and address of the manufacturer and of the applicant, the brand or trade mark, the name and percentage of every substance in the poison. If the applicant is a non-resident his agent or representative is held responsible for due compliance. The Minister may refuse registration if the brand is misleading or similar to another, or if the poison is unsuitable for the purpose or detrimental to vegetation. He may cancel any registration made in violation of the provisions of the Act or if the poison is found to be of doubtful value. Importation may be prohibited if the poison is found to be adulterated or incorrectly or misleadingly tagged, labelled or named, or if in any way its sale constitutes an infraction of the Act. Each package containing the poison, or a tag or label attached thereto, must be branded or marked in printed characters giving the name and address of the manufacturer and vendor, the brand, name and other prescribed information. The Act does not apply to the sale of poisons for manufacturing purposes or poisons which are for export only, or any of the drugs, chemicals or preparations listed in the latest edition of the British Pharmacopœia or any foreign pharmacopœia or any work of recognized standing on *materia medica* or drugs, when used or sold for toilet or medicinal purposes, nor to the sale of any medicinal or toilet preparations included under the Food and Drugs Act, 1920, or the Proprietary or Patent Medicine Act, nor to any prescription from a qualified veterinary surgeon. Full provision is made for regulations, analysis, inspection, costs of prosecution, defence and penalties.

Canada Grain.—C. 41 is an Act to amend the Canada Grain Act of 1925. It provides that the operator of a private elevator may sell or borrow money upon the security of his own grain stored in the elevator and issue warehouse receipts in connexion with any such sale or loan and to any person who has shipped grain to such elevator. A private elevator operated by, for or in behalf of or in co-operation with the grain pools may issue such receipt to the shipper or his consignee. The Act is also amended as respects the contents of warehouse receipts given by the operators of country elevators. It particularly requires that the receipt shall on its face state that after payment of lawful charges the grain is deliverable to the person on whose account it has been taken into store, or to his order, from the country elevator where it was received, or if he so desires, in quantities not less than car-load lots, on track at any terminal elevator in the Western Inspection Division or at a proper terminal elevator at or adjacent to Duluth, as soon as the transportation company delivers the same at such terminal, and the certificate of grade and weight is returned.

Canada Shipping.—C. 42 adds a section to the Canada Shipping Act to prevent under penalties any person who, being on board any ship registered in Canada or on any wharf owned or leased by the person owning or operating any ship, without the written consent of the owner or operator, advertises, solicits custom, distributes literature or canvasses for any hotel, lodging house, restaurant, omnibus or motor vehicle, or solicits the transportation of passengers or baggage, or sells or exhibits for sale any ticket, goods, wares or merchandise.

Farm Loans.—C. 43 is an Act for the purpose of establishing in Canada a system of long-term mortgage credits for farmers. It is new legislation in Canada. Farmer is defined as any person whose business is that of farming and who owns and occupies a farm, or who proposes to acquire a farm for immediate occupation and cultivation by him. Farming includes stock raising, dairying and the tillage of the soil. The Act establishes a board, known as the Canadian Farm Loan Board, which shall be a body politic and corporate consisting of four members, one of whom shall be the Minister of Finance, and the other three shall be appointed by the Governor in Council, and of the latter, one shall be designated the "Canadian Farm Loan Commissioner" and shall be the chief executive officer of the board. The Commissioner is appointed for such period of years as the Governor in Council may prescribe. One of the other members is appointed for three years and the other for six years: thereafter the appointment of these members shall be for six years. They are eligible for reappointment.

The board has power to issue and sell bonds to be known as Canadian Farm Loan Bonds, to buy the same on its own account and to retire the same at or before maturity; to make long-term loans to farmers on the security of first mortgages on farm lands upon and subject to the prescribed conditions; to hold real estate which, having been mortgaged to it, is acquired for the protection of any loan, and to sell, mortgage, lease or otherwise dispose thereof; to invest its funds in Dominion or provincial securities; and all incidental powers.

The Government of Canada provides the initial capital for the board of $5,000,000 free from interest charges for three years. Repayments are to be made out of the earnings of the board if the reserve fund, provided for, equals the total repayments. In addition to the initial capital, the board issues capital stock in shares of one dollar each, and the Government of Canada subscribes to such capital stock an amount equal to 5% of the loans. Each Province in which loans are made is required to subscribe to the capital stock an amount equal to 5% of the loans made in the Province, and each borrower subscribes an amount equal to 5% of the sum borrowed by him, payable at the time the loan is made.

The limit of amount of outstanding bonds shall not at any time exceed twenty times the paid-up capital stock subscribed by borrowers. The rate of interest is to be such as in the opinion of the board will make the market value of the bonds at date of issue approximately par. The bond period is thirty-five years.

Loans are to be made only on the security of first mortgages on farm lands up to 50% of the board's appraised value of such lands and 20% of the permanent insured improvements thereon. No one loan is to exceed $10,000. The proceeds of loans are to be strictly applied to the purchase of farm land, stock, machinery, buildings, drainage, discharge of liabilities already accumulated and improvements. The loans are to be made only to farmers actually engaged in or shortly to be engaged in the cultivation of the farm mortgaged, and whose experience, ability and character warrant the belief that the farm will be successfully cultivated. The interest rate on loans is such a rate in excess of the interest payable on the farm loan bonds as is sufficient to provide for the expenses of operation.

Loans under this Act are not available in any Province until notice is given by the board that the legislature of the Province has by statute provided for the subscription to the capital stock of the 5% on the total loans in the Province, and the establishment of a provincial board of four members to co-operate with the board. A reserve fund is to be created out of the earnings of the board. Dividends may be declared if warranted. An advisory council to the board consists of the provincial treasurers and the chief executive officer of each provincial board. Provisions are added as to audit, conduct of operations, investment by insurance, trust and loan companies in the farm loan bonds. The Minister of Finance may purchase these bonds on behalf of the Dominion to an amount not exceeding $15,000,000, which bonds are to be repurchased by the board when funds become available.

Maritime Freight Rates.—C. 44 is an Act respecting the Canadian National Railways and the tariff of tolls to be charged on certain eastern lines. It especially affects the three maritime provinces of Nova Scotia, New Brunswick and Prince Edward Island, and is the outcome of the report of a royal commission. The commission decided, as recited in the preamble, that the Intercolonial Railway from Montreal to Halifax was designed to give to Canada in times of national and imperial need an outlet and inlet on the Atlantic ocean, and to afford to maritime merchants traders and manufacturers the larger market of the whole Canadian people instead of the restricted market of the maritimes themselves; also, that strategic considerations determined a longer route than was actually necessary, and therefore that to the extent that commercial considerations were subordinated to national, imperial and strategic conditions the cost of the railway should be borne by the Dominion, and not by the traffic which might pass over the line. The commission recommended reduction of rates to remove the burden on trade and commerce. The lines affected by this legislation are those operated as part of the Canadian National Railways in the three Provinces named and partly in the Province of Quebec. The reduction is approximately 20% of tariff rates, and new tariffs on that basis are to go into effect upon and after July 1, 1927. The board of Railway Commissioners are authorized and directed to substitute tariffs on a general level of 20% below existing rates. This applies to local traffic all rail, traffic moving outward, westbound, all rail and traffic moving outward destined overseas. These are termed preferred movements. Movements not preferred are traffic to or from the United States, all rail, inward from Canada, eastbound all rail, imports to Canada from points overseas, and passenger and express movements. Separate accounts are to be kept of the revenues and expenses of these eastern lines. Deficits are to be met by separate item in the estimates submitted to Parliament. The rates are to be statutory rates, and the purpose of the Act is declared to be to give statutory advantages in select territory.

Civil Service Superannuation.—C. 48 amends the Civil Service Superannuation Act, 1924. Misconduct is defined as wilful disobedience of the provisions of any statute or regulation governing the performance of official duties the breach of which involves dismissal from the Civil Service, malversation in office or abandonment of office. There were certain civil servants appointed prior to the coming into force of the Act who were not eligible to elect to become contributors. This is remedied. Next, a contributor is made eligible to receive the withdrawal allowance in all cases of severance from the service, except by dismissal or removal for misconduct. The next amendment provides that past non-contributory service shall be counted only to the extent of one-half unless he pays up an amount equal to 5% of the total salary received during the period of such prior service with simple interest at 4%. For those persons whose average salary has become less than that upon which they previously paid contributions, such as persons who have been in receipt of living or residential allowances in addition to their regular salary, it is provided that they or their widows or children shall be granted a refund of contributions in respect of the excess. The payment of an annual allowance to the last day of the month in which a recipient dies is authorized. No report from the Treasury Board on retiring allowances is to be required in the case of a contributor who has attained the age of 65 years. The anomaly is removed whereby a contributor with less than ten years' service, on dismissal or removal, might be granted a refund of his contributions, although such a contributor if he voluntarily retired in good standing forfeited the whole of his contributions. The Governor in Council is authorized to determine the amount which shall be deemed to be the salary of any employee, such as lightkeepers, who are required to employ or pay one or more assistants, and also to require payment of contributions for duly authorized periods of absence without pay after the passing of this Act if the contributor desires such periods to be counted as part of his service. The Governor in Council is also authorized to determine under what conditions a contributor who has been absent on leave without pay, for example by reason of illness, shall nevertheless be deemed to have been in receipt of salary for the purpose of computing his average salary. The Governor in Council is given authority to determine what benefits may be granted to a contributor or his widow, children or dependents who by reason of a reduction of salary or other change in the conditions of his employment, ceases to be eligible as a contributor. Where a former contributor having become ineligible to be a contributor, subsequently becomes eligible, the period of his former service shall be counted. The past service of a contributor in or under any branch or portion of the public service which had ceased to exist before the Act was passed may be counted. There were quite a number of Boards and Commissioners which were abolished before the Act came into force. Persons whose duties or employment are of a seasonal character may be deemed to be civil servants and eligible to be contributors. All these various provisions are subject to regulations. Finally, the period of election to come under this Act is extended for one year, that is, to July 19, 1927.

Customs.—C. 50 amends the Customs Act, more particularly as relates to smuggling. The general purpose of the Act is to increase fines and penalties and provide for more stringent enforcement. Everyone who smuggles goods subject to duty of the value of $200 or over, or who harbours, keeps, conceals, etc., any goods unlawfully imported into Canada where such goods are of the value of $200 or over, is made subject to imprisonment, penalty and forfeiture. Fuller reports by masters of vessels to include goods in possession of the crew and passengers, and to facilitate forfeiture of such goods, is enacted. A penalty is provided if sight entry is made but the invoice is not produced. If the importer is dissatisfied with an appraisement, two experienced valuators with a Dominion appraiser are to be selected, sworn, and their appraisement shall be final. *In transitu* shipments of wines and spirituous liquors, as they are exported from a Customs sufferance warehouse will require to be covered by a guarantee company bond to produce landing certificates. This is aimed at the prevention of vessels engaged in rum-running into Canada and having liquor cargo, from making a convenience of Canadian ports. The importation of any goods, if made by sea, coastwise or by inland navigation, in any vessel, shall be deemed to have been completed from the time such goods were brought within the limits of Canada, meaning when the waters are not international, within three miles of the coast or shores of Canada, and if made by land, then from the time such goods were brought within the limits of Canada. This enactment is to meet a difficulty which has arisen on the Pacific Coast, particularly with regard to smuggling narcotics and Oriental merchandise. Customs officers are empowered to arrest smugglers and other offenders without warrant. The penalties are increased if goods are imported into Canada at any other place than a port of entry, or being brought by land or inland navigation, are carried past the custom house before examination. So also if goods are imported into Canada in any vehicle other than a railway carriage or upon the person between sunset and sunrise on any day or at any time on a Sunday or statutory holiday except under written permit from a collector. If such goods are not found the penalties are also increased. Conductors and railway employees and express company officials are also made subject to heavier penalties if they aid or abet unlawful importation. Persons who assist in importing, unshipping or landing unlawful goods from vessels or into whose control or possession the same come without lawful excuse, the proof of which shall be on the person accused, are also subjected to heavier penalties. Procuring or hiring persons to smuggle is made an indictable offence, and the penalty is more severe. The offence of smuggling wines, liquors and narcotics is deemed to be committed when the vessel containing goods not reported arrives within three miles of the coasts and shores of Canada. Possession of blank certified invoices is penalized directly. The court formerly had discretion as to the term of imprisonment. Placing dutiable goods in any building on the boundary line is made an indictable offence with more severe penalties, and authority is given to station a customs officer in any factory or building used for commercial purposes adjacent to the boundary between Canada and the United States. Being on board a vessel engaged in smuggling is made *prima facie* evidence that such person had knowledge and was concerned in the doing of things which cause the vessel to be subject to forfeiture. The burden of proof is shifted from the Crown to the person accused and the court is given power to impose imprisonment. With regard to intoxicating liquors and narcotics, these being two more or less prohibited classes of goods, the burden of proof that duties have been paid rests upon the claimant or upon the person in whose possession the goods are found. Carrying offensive weapons while smuggling is made an indictable offence and subject to imprisonment for ten years. The master of a vessel leaving without a clearance, if the cargo comprises wines or spirituous liquors shall incur a penalty of $1,000. As the Act stands a penalty is provided for contravention of regulations but not of the Act itself. This is remedied by amendments.

The fine for bribing or tempting to neglect duty by a customs or excise officer is increased to $1,000 and the maximum term of imprisonment is increased from two to five years, and the same punishment is imposed upon officers taking bribes or making collusive seizures or improper releases. For false entries goods are liable to be seized and forfeited. A new section is added to place watchmen on board liquor-laden vessels in port to prevent unlawful landing of liquor, the vessel and cargo to bear the expense.

Burden of proof is generally placed upon the accused or on the person in whose possession the goods are found, and in successful prosecutions the Crown is entitled to full costs of suit including a reasonable counsel fee in the discretion of the court. A very important provision is then added, that the courts shall have no power to impose less than the minimum penalty prescribed, and for a second conviction on an indictable offence the penalty shall be imprisonment for ten years and not less than three.

Informers in regard to offences against the liquor laws take great risks of property and even life, therefore this Act provides for payment to informers forthwith after seizure of an award based upon the value of the goods seized and not dependent upon forfeiture or proceeds of forfeiture. Special customs services on frontier highway bridges are also provided for, and the Minister may make regulations regarding duty payable on goods and personal baggage of travellers between Canada and the United States.

Excise.—C. 54 is an Act to amend the Excise Act more especially to remove uncertainties in interpretation and to make provision for higher penalties for serious violations. Definitions of " vessel " and " vehicle " are added to conform with the definitions in the Customs Act. Forfeited goods are to include boats, vessels and vehicles. The minimum penalties for offences by persons carrying on any business subject to excise is raised to $200. The burden of proof that duties have been paid is put upon the person in whose possession the goods are found. Vehicles, vessels and goods seized as forfeited shall be deemed to be condemned unless notice is given within one month of intention to claim them. The jurisdiction of county court judges and magistrates is raised from $2,000 to $5,000 in the recovery of penalties by summary conviction. All penalties are to be paid to the collector of the port or chief of preventive service at Ottawa, for deposit to the credit of the Receiver General of Canada. No spirits subject to excise which have not been warehoused for two years, except that class of spirits commonly known as gin, shall be entered for consumption. Any person who exercises any business of distilling without licence is subjected to a penalty of $2,000, and for every subsequent offence to a similar penalty. The previous penalties were $500. Imprisonment with hard labour is also imposed. These penalties are required to afford reasonable security against large illicit distilleries. The penalties for the sale, purchase or possession of spirits unlawfully manufactured are also increased fron $500 to $2,000 with imprisonment and hard labour.

Federal District Commission.—C. 55 creates a Federal District Commission in place of the Ottawa Improvement Commission, which was originally incorporated by c. 10 of the statutes of 1899. The various Acts relating to the Improvement Commission were consolidated in 1919 (c. 62). Under this Act the Federal District Commission is to continue the operations of the Improvement Commission with a larger grant of money and a wider sphere of operations, to include such areas or districts as may be designated by the Governor in Council, and not confined as formerly to the City of Ottawa and vicinity.

Food and Drugs.—C. 56 amends the Food and Drugs Act, 1920. With the repeal of the Adulteration Act in 1920, the Food and Drugs Act was passed, primarily that consumers in Canada might be protected from injury to health as well as from fraud arising from the sale of adulterated foods and adulterated drugs. These amendments are to correct defects in the Act and to increase its usefulness. Antiseptics and prophylactics (such as vaccines) are included in the definition of drugs. The drug standards established by the Act of 1920 were satisfactory for many pharmaceutical preparations, but they were inadequate for preparations of strophanthus, digitalis and ergot; preparations of pituitrin, thyroid and adrenalin; serums, viruses, toxins and vaccines; and organic compounds of arsenic and other drugs prepared for parenteral medication. This Act therefore provides for prescribing standards of quality and potency, official methods of biological testing, licensing of manufacturers, inspection of premises, equipment and technical qualifications of the staff of manufacturers, and for tests of portions of each and every batch of drugs in the laboratories of the Department of Health. The Act then deals with misbranding of drugs in the same terms as applied to food in the Act of 1920. It also provides for all particulars of contents in packages upon the outside thereof, and to prevent deceptive design, construction or fill. Provision is made for seizure of food or drug for violation, to be held until the inspector gives an order for its disposal.

Regulations may be made for the disposal of import shipments of food or drugs refused entry, and for designating Dominion analysts. All regulations made under the provisions of the Act shall have the same force and effect as if embodied in the Act. A provision to protect an innocent purchaser in good faith is inserted, to the effect that if he submits a sworn declaration, and he or the prosecutor lays an information against the third party from whom the adulterated or misbranded drugs were purchased, the case shall be decided upon the entire merits by the magistrate. No person may remove or interfere with goods seized under the Act without an inspector's order. Any article seized may be kept in storage at the option of the inspector. The distribution of samples of medicines from door to door, or in a public place or on a public highway or through the mail is forbidden; but manufacturers or wholesale dealers may distribute samples to physicians, veterinary surgeons, dentists or to retail druggists. A section is added to impose penalties where no specific penalty has been attached to offences against the new provisions.

Fruit.—C. 57 is an Act to amend the Fruit Act, passed in 1923. It defines "packs" or "packed" as the placing of fruit in any package intended for sale. The Minister of Agriculture is authorized to make regulations requiring the inspection of, and the issuing of an export certificate or permit for fruit intended for export. Regulations are to be published in the *Canada Gazette* and to have the force of law from date of publication. An inspection certificate signed by an official inspector shall be *prima facie* evidence of the truth of the statements contained therein.

Insurance.—C. 59 amends the Insurance Act of 1917. It first provides that any Canadian life insurance company and any other company licensed under the Act, whose charter authorizes it, may provide for the payment in event of death from accident of a death benefit of double the amount payable in the event of death from other causes. Then two provisions are added which enlarge the charter powers of Canadian life insurance companies by giving the right to transact sinking funds of capital redemption policies, and grant annuities of all kinds. The initial deposit for licences for life or fire insurance in the case of British or foreign companies is increased from $50,000 to $100,000. The deposit of Canadian companies remains at $50,000, but all Canadian companies are required to have a minimum paid-up capital of $100,000 before commencing business. This Act provides for the investment of funds of any Canadian life insurance company in substituted common shares of no par value for shares of par value, by enacting that dividends declared on the said no par value stock shall be deemed to be dividends of at least $4 per share per annum if the sum thereof is equivalent to at least 4% of the said common stock of par value and the proceeds of any additional issue of common stock made at the time of, or subsequent to, the aforesaid substitution of shares. Power is given in this Act to permit the investment by Canadian insurance companies in the stock of other Canadian insurance companies to a maximum limit of 15% of the investing company's assets. Canadian fraternal benefit societies are authorized to issue endowment assurance contracts maturing at age 65 or any higher age. The American Institute of Actuaries is added to the approved list, and actuaries eligible to make fraternal benefit societies' valuations shall be fellows by examination of the various institutes. In computing the margin of security required to maintain assets of companies carrying on the business of fire insurance or marine insurance or both, as fixed by the Act of 1917, which must be at least 15% in excess of the total of the unearned premiums upon all outstanding unmatured policies there shall be deducted from the assets the amount invested in the shares of any other company doing the business of insurance. In regard to a deficiency of assets of life insurance companies, the reserve for outstanding policies is calculated among its liabilities instead of the full reserve or reinsurance value for outstanding policies if with matured claims they exceed its assets. The provisions regarding the annual statement and its contents are amended, and provide for the inclusion of a reserve for all unmatured obligations guaranteed under the terms of its policies dependent on life disability, sickness or any other contingency, or on a term certain. The methods of valuation of reserve and valuation by the Superintendent of Insurance then follow. Tables of mortality and the bases and methods to be used are all set out in the schedule to the Act. If it appears to the Superintendent that the liabilities exceed the assets under his computations, he is to report to the Treasury Board which may either withdraw the licence or limit a time, not exceeding three years, within which the company shall make good the deficiency, during which term the company's licence shall be continued.

Live Stock.—C. 60 amends the Live Stock and Live Stock Products Act, 1923, and makes further provisions as to membership in live stock exchanges; the inclusion of co-operative associations; the rules, regulations and by-laws to be applicable to such exchanges; and penalties for violation of the Act. A co-operative association is defined as any organization of producers incorporated under Dominion or provincial law engaged in the marketing of live stock, which returns the proceeds of such marketing, whether from sales or pool operations less authorized marketing charges, to the producers of such live stock, whether in cash or by the distribution of patronage dividends. Every co-operative association shall be a member of the live stock exchange unless it holds a special licence from the Minister.

Applications for membership are first made to the live stock exchange, which within two weeks must notify the Minister of the granting or refusal of such membership. Every person refused a membership may appeal to the Minister who upon investigation may order the exchange to accept such person as a member. Every member must register his name, business address, the name under which he proposes to carry on business and the kind of business, with the Minister. If he fails to comply with the Act or with the regulations made thereunder, or with the rules, regulations and by-laws of the exchange and of the stockyard, he may be removed and excluded. Five memberships with voting powers but without the right to trade are to be granted by each exchange to representatives of producers' and breeders' associations. Live stock may be sold by auction at stockyards subject to approved regulations. The Minister may order an exchange to cease operations if requirements are not obeyed, and he is given power to make regulations as to inspection, grading, branding or marketing live stock products. The minimum penalty for infraction of the Act or regulations is fixed at $25.

Loan Companies.—C. 61 amends the Loan Companies Act, 1914. All companies heretofore incorporated by Act of Parliament or by letters patent are to hold annual general meetings, present statements of their affairs and hold special meetings called by written requisitions of 25 members, and other provisions relating to notices and statements to shareholders are included, all by adding s. 54 to the group of sections applicable to such companies incorporated before 1914. Borrowing powers are limited to an amount not exceeding four times the combined amounts of its then actually paid-up and unimpaired capital stock and reserve, but on passing a by-law the limit may be increased subject to the conditions prescribed as to notices being sent to registered debenture holders outside of Canada, shareholders, and the approval of the Treasury Board. The said by-law may not increase the amount to be borrowed beyond eight times the combined amounts of the actually paid-up and unimpaired capital stock and reserve. The amount of cash on hand or on deposit is to be deducted from the aggregate, and debenture stock issued by the company shall be included in the aggregate. A section is inserted to make loan companies take out an annual renewal of licence as a condition of doing business. A certified copy of by-laws is to be filed with the superintendent, and notice of every appeal, addition or amendment is to be given to him. The provisions which applied to a special report by the Superintendent of Insurance where assets are deficient are amended to provide that the Minister is to report to the Governor in Council, who may suspend or cancel the licence of the company, but during such suspension the Minister may issue a conditional licence to enable the company to arrange for the sale of its assets and transfer of its liabilities to some other company. If the company's condition is not then such as to warrant the restoration of the licence, the company is deemed to be insolvent.

Tax on Furs.—C. 64 is an Act to amend the Northwest Territories Act. This amendment is to place in the hands of the Commissioner in Council authority to enact an ordinance providing for a tax on the exportation of furs. A similar tax is in force in nearly all the provinces of Canada. The tax is to be levied upon furs to be shipped or carried from the Territories to any other part of Canada or to any other country. The quantity of furs secured annually in the Northwest Territories was valued at more than $2,000,000, and on this there was no tax whatever. Not only British subjects but foreigners were privileged to trap furs and export them without tax or royalty of any kind.

Soldier Settlement.—C. 68 amends the Soldier Settlement Act, 1919, to provide for the revaluation of land and to credit the soldier settlers with the amount of depreciation. Applications for revaluation are to be sent in to the district superintendent by the settler, with a declaration setting out the original purchase price of the land and value of improvements, and his belief of the present value. Depreciation is determined by the amount by which the price at which the board sold the land and improvements exceeds the present value. The board ascertains the depreciation, and the applicant has the right of appeal to the Exchequer Court. The settler is credited with the amount of the depreciation so found, and the total indebtedness of the settler and total cost of the property is amortized over the remaining period of the loan. Provision is made for the reinstatement of any settler whose agreement has been terminated or rescinded and is desirous of repurchasing the land, to apply to him the benefits of this legislation.

Every person who fails to keep books, after being notified by the Minister, is liable to a penalty of not less than $25 per day for each day in default. Any person who fails to keep adequate records of account may nevertheless be assessed. Trustees in bankruptcy, assignees, executors and other like persons must obtain a certificate that all charges are paid before distribution, otherwise they shall be personally liable.

Trade Marks.—C. 71 amends the Trade Mark and Design Act. The main purpose is to permit of the registration of labour union labels under the Act, in order to prevent the use of forgeries and counterfeits of these labels, and to the intent that only those may avail themselves of the benefit of the label who are entitled to do so. Labour union is defined as any organization of employees engaged in the manufacture or production of goods formed for the purpose of regulating the relations between employers and employees. Any union label heretofore or hereafter adopted by any labour union may be registered for the exclusive use of such labour union. The consent of the owner of the goods must be obtained before the union label is put or placed upon them. The Minister may refuse to register a union label for the same reasons as apply to trade marks. The labour union is to file an application for registration, with a declaration by the president, secretary or other executive officer specifying the name of the union, the class of merchandise and a description of the goods to which it has been or is to be appropriated, and thereafter such union shall have the exclusive right to the label. The certificate of registration shall be evidence of the label and of compliance with the requirements of the Act. No label so registered may be assigned by any process of law or otherwise. A labour union may authorize the use of any label registered by it. The Exchequer Court of Canada may order the cancellation of the registration if, in the opinion of the court, such action is justified by all the circumstances of the case. Suit may be maintained by the labour union for using the label without permission, and nothing in this Act enables any suit or other proceeding to be had against a labour union except for the purpose of the Act. Provisions follow to prevent unauthorized marking of goods or articles with any such label, or keeping or having in possession for sale any goods, articles with counterfeit or imitations thereon, or procuring by false or fraudulent representation registration of a label or making or using dies or other instruments for forging a label. The penalty for such offences is not less than $20 and not exceeding $500. Search warrants may be issued in cases where complaints verified by affidavit are made by the executive officer of a labour union that counterfeits, imitations, plates, dies or materials are concealed in any building or place.

Winding-up.—C. 75 is an Act to amend the Winding-up Act. It amends and merges Parts III and IV which relate respectively to life insurance companies and insurance companies doing life and other insurance in so far as relates to the life insurance business of such companies, and to insurance companies other than life insurance companies, and insurance companies doing life and other insurance in so far as relates to the insurance business of such companies which is not life insurance business. The main object of the amendments is to remove from both Parts the discrimination, in liquidation, in favour of Canadian policyholders as against other policyholders of Canadian companies. S. 162 of the Act in the Revised Statutes, 1906, applicable to life insurance companies, provides that the portion of the assets forming the deposit of the company with the Minister shall be applied towards the discharge of all claims of policyholders in Canada. Policyholders outside of Canada have no claim against such deposit except those of the preferred creditors. A similar discrimination is suggested in s. 176 applicable to fire insurance companies.

Another object of the amendments is to make more satisfactory provision for the reinsurance of the policies instead of distributing the assets by way of dividend on the unearned premiums or net values of the policies. Part III of the Act now recognizes reinsurance only with the consent of the individual policyholders. This amending Act amends the foregoing provision by providing that all policyholders of Canadian companies rank equally on all the assets, and authorizes the liquidator, without the consent of the policyholders, to reinsure the business. This brings the Act into conformity with s. 42 of the Insurance Act, 1917.

A new provision is that if the company is a British or foreign company, no claim other than those of the preferred creditors, holders of policies of a class for which the company was licensed under the Insurance Act, and reinsurers of such policies if any, shall rank against the deposit made by the company with the Minister, and the balance of the said deposit remaining after such claims are paid may, with the approval of the court and of the Treasury Board, be released by the liquidator to the company.

1928.

The second session of the sixteenth Parliament opened on January 26, 1928, and closed on June 11, 1928. Fifty-four Public Bills and 29 Private Bills were passed. There were also 239 Divorce Bills. Three Appropriation Bills are included among the Public Bills.

It is important to note here that the Revised Statutes of Canada, 1927, which had been prepared by a Commission appointed under an order in council of December 28, 1923, confirmed by c. 65 of the Statutes of 1924, came into force on and after February 1, 1928. The previous Revised Statutes of 1906 came into force on January 31, 1907.

Patents.—C. 7 amends the Patent Act to bring it into conformity with the terms of the International Convention for the protection of industrial property, revised at The Hague Conference of 1925. The clause relating to compelling a supply is amended to provide that any person interested may present a petition to the Commissioner of Patents alleging that the reasonable requirements of the public have not been satisfied or that the patentee has failed to manufacture adequately the patented invention in Canada, and the Commissioner may, if satisfied that this is the case, order the patentee to supply the patented article within reasonable limits and in accordance with the custom of the trade, or to grant licences for the use of the patent, within such limits of time as may be fixed, on pain of forfeiture of the patent. The provisions that such order shall not be made before the expiration of three years from the date of the patent or if the patentee gives satisfactory reasons for his default, and for referring the petition to the Exchequer Court, are retained. The Act is further amended in respect to petitions for the revocation of patents, on the ground that the patented article or process is manufactured or carried on exclusively or mainly outside Canada, to supply the Canadian market with the invention covered by the patent. The amendment is to provide that if the Commissioner is satisfied that the allegations are correct and if a licence in respect of said patent had previously been granted under a petition to compel supply, then unless the patentee proves that the patented article or process is manufactured or carried on to an adequate extent in Canada or gives satisfactory reasons for the opposite, the Commission may make an order revoking the patent either forthwith or after a reasonable interval. The provisions as to variation with any treaty or convention, extension of time, and appeal to the Exchequer Court remain unaffected. A further amendment is made to the Act that no patent shall extend to prevent the use of any invention in any foreign ship, vessel, aircraft or land vehicle entering the country temporarily or accidentally, provided such invention is employed exclusively for the needs of the ship, vessel, aircraft or land vehicle and not so used for the manufacture of any goods to be vended within or exported from Canada. This change is required in view of Art. 5 of the Convention.

Public Printing and Stationery.—C. 5 amends the Public Printing and Stationery Act. The object of this legislation is to provide the King's Printer with the working capital necessary to enable him to execute the printing of all kinds required by the Houses of Parliament and by every branch of the service of the Government ; to provide all stationery and office appliances required by the Houses and various branches of the service ; to edit and publish the *Canada Gazette* ; to be the distributing agent and exclusive sales agent of the publications of the various departments, and to audit all advertising undertaken on behalf of the departments.

Royal Military College.—C. 7 is an Act respecting the Royal Military College of Canada situate at Kingston in the province of Ontario. It repeals the existing Act, and re-enacts it with amendments to bring the organization and establishment into conformity with present conditions. The amended Act provides that the College shall be under the direction and management of the Minister of National Defence, a point on which the old Act was silent. Next, the military and civil establishment shall be such as is from time to time authorized by the Governor in Council, and all officers at the College shall be appointed by the Governor in Council and hold office during pleasure. Then it places the appointment of all civilians employed at the College under the Civil Service Act and regulations. Another section brings the pay and allowance of military personnel into line with the appropriate provisions of the Militia Act and regulations, and of civil personnel with the Civil Service Act and the regulations thereunder. The selection of cadets from each province is to be in order of merit, and the number of cadets in attendance at the College and the conditions of entry are to be as from time to time authorized by the Governor in Council. This provision is made because the number of cadets in attendance is dependent upon the moneys voted by Parliament for the purposes of the College, and the conditions of entry vary from time to time as the educational standards required by other institutions of learning are raised or changed. Another amendment authorizes the Minister to order special courses of instruction at the College for officers and other ranks of His Majesty's Naval, Land and Air Forces. The number of officers who may attend is not limited in the Act. Finally, every cadet is required to furnish himself with such books, apparatus and equipment as are not supplied by the College, and to pay a sum not exceeding the rate of $300 per annum and such allowances as are from time to time authorized by the Governor in Council to meet the ordinary expenses of living and the procuring of uniform.

Supreme Court.—C. 9 amends the Supreme Court Act. The existing provision was that the spring sittings of the court should begin on the first Tuesday in May. This is changed to the fourth Tuesday in April, to facilitate the despatch of business, the convenience of the Bench, and with the approval of the Bar. The section which required notice of adjournment of the court and of the day fixed for continuation of business to be given in the *Canada Gazette* by the registrar, is repealed as serving no useful purpose. They are sufficiently notified by announcements from the Bench. Another amendment is intended to confer upon the court discretionary power in special cases to receive evidence in addition to that which is embodied in the stated case. Such evidence is to be taken either by oral examination in court, by affidavit or by deposition, as the court may direct. The absence of this power has been found inconvenient and productive of hardship.

Trade Mark and Designs.—C. 10 amends the Trade Mark and Design Act. These amendments are intended to bring it into conformity with the terms of the International Convention for the protection of industrial property, revised at The Hague Conference of 1925. The Minister is given power to refuse to register a trade mark if the trade mark constitutes a reproduction or imitation liable to create confusion with a trade mark known to be the mark of a national of another country, which by treaty, convention or agreement affords similar protection to nationals of Canada, when such mark is used for products of the same or a similar kind; or if the trade mark consists in whole or in part of coats-of-arms, flags and other state emblems of countries which by treaty, convention or agreement afford similar protection to nationals of Canada, official control and guarantee signs and stamps adopted by such countries, and imitations from a heraldic point of view, the registration of official control and guarantee signs and stamps to be refused only in cases where such signs and stamps are intended to be used on merchandise of the same or a similar nature.

Then follow provisions to the effect that a specific trade mark which has not been renewed before the expiration of its current term of 25 years may on application to the Commissioner of Patents within the period of 3 months from the expiration of said term be renewed upon payment of the renewal fee together with the supplementary fee prescribed in this Act; and the rights of an industrial design which have not been renewed before the expiration of its current term of 5 years may be renewed on application to the Commissioner of Patents within the period of 3 months from the expiration of said term upon payment of the renewal fee together with the supplementary fee prescribed in this Act.

This amending Act further provides that at any time before the expiration of a period of 3 years from the date of registration of a trade mark any interested person may institute proceedings before the Exchequer Court of Canada for the cancellation of said trade mark on the ground that it constitutes a reproduction or imitation liable to create confusion with a trade mark known to be the mark of a national of another country which by treaty, convention or agreement affords similar protection to nationals of Canada and that such mark is used for products of the same or a similar kind, and the Exchequer Court of Canada shall have exclusive jurisdiction to hear and determine such proceedings.

A section is added in regard to the filing of an application in this country by any person who has previously regularly filed an application for the registration of a trade mark or industrial design in a foreign country which extends a similar privilege to Canada, that such application shall have effect in this country on the date the application was first filed in such foreign country, provided that the application in this country is filed within 6 months from the earliest date on which any such foreign application was filed. The only change in this section is that 6 months is substituted for 4 months to comport with Art. 4 (c) of the new convention.

Canadian Northern Income Charge.—C. 11 is to confirm the scheme of arrangement and compromise with holders of the 5% income charge convertible debenture stock of the Canadian Northern Railway Company, issued pursuant to and secured by trust deeds made between that Company and the British Empire Trust Company and National Trust Company in 1910 and 1915.

Canadian National Railways.—C. 13 is to amend the Canadian National Railways Act, which provided that the Government Railways while under the management and operation of the Canadian National Railway Company are subject to the Railway Act in matters of operation, and in matters of maintenance in so far as such maintenance affects the safety and protection of railway employees and passengers upon the railway. The amendment is to the effect of making the Government Railways, while under the management and operation of the Canadian National Railway Company, subject to the provisions of the Railway Act in matters of construction and maintenance as well as operation, as the railways of the said Company are subject to the said Act, reserving to the Government Railways full application of the Expropriation Act and legal procedure thereunder as under present legislation.

Customs.—C. 16 amends the Customs Act to make provision for a more adequate enforcement of the Act and the prevention of smuggling operations in the territorial waters of Canada. It is the result of recommendations made by the Royal Commission with regard to smuggling, especially on the eastern coast of Canada. At all times there has been considerable doubt whether, in law, there is authority to make seizures within territorial waters of Canada beyond the 3-mile limit. This amending Act is an attempt to meet the difficulty by legislation. It provides first that if any vessel is hovering in territorial waters of Canada any officer may go on board and examine the cargo and may examine the master or person in command upon oath touching the cargo and voyage and may bring the vessel into port. A vessel in territorial waters of Canada must bring to when required to do so in the King's name or upon prescribed signals, and if she fails to bring to, the officer of the vessel or cruiser in the service of the Government may, after first causing a gun to be fired as a signal, fire at or into such vessel. Such officer and any person acting in his aid or by his direction is indemnified and discharged from any indictment, penalty or action for so doing, and His Majesty shall not be liable in any claim for damage to life or property by reason of such act. There shall be no throwing overboard or destruction of the cargo. The evidence of the officer is to be *prima facie* of the fact that the vessel was within territorial waters of Canada. Then follows the definition of territorial waters of Canada for the purposes of the Act, namely, the waters forming part of the territory of the Dominion of Canada and the waters adjacent to the Dominion within 3 marine miles thereof, in the case of any vessel, and within 12 marine miles thereof in the case of any vessel registered in Canada. This definition also applies to vessels hovering in territorial waters of Canada with dutiable or prohibited goods on board, as we shall see. The amending Act then deals with books and records. Customs officials have been greatly hampered in their investigations by the failure of certain importers to keep books of account and records. The amendment provides that persons importing goods for resale shall keep adequate records and books showing the purchase, importation, cost, value or payment for and subsequent disposal of all goods imported, and further that they shall retain and preserve all books and records, vouchers, invoices and correspondence relating to such importation and disposal for a period of the 6 years succeeding. The penalty for infraction of these provisions is not less than $100 and not exceeding $500. This Act then provides that if upon the examination by any officer of the cargo of any vessel hovering in the territorial waters of Canada (as before defined), any dutiable goods or any goods the importation of which into Canada is prohibited are found on board, such vessel with her apparel, stores and cargo shall be seized and forfeited, and if the master or person in charge refuses to comply with the lawful directions of such officer or does not truly answer him respecting such vessel or her cargo or her voyage, he shall be liable to a penalty of not less than $400. This provision is supplementary to the first section herein reviewed, and it further provides that if any person contravenes those first mentioned provisions the vessel shall be seized and forfeited. The Act as it stood placed the burden of proof in all cases where the goods are wines, spirituous or fermented malt liquor or narcotics, on the claimant or the person in whose possession the goods are found. Courts have held that notwithstanding the wording of that clause, the Crown must, where the goods are not domestic, prove the importation thereof. This defect is corrected by substituting a new section on the subject of burden of proof. It provides that in all proceedings against parties for penalty, punishment or forfeiture, or recovery of duty, or any question relating to identity, origin, importation, lading or exportation of any goods or payment of duties, the burden of proof shall lie upon the owner or claimant of the goods or the person whose duty it was to comply with the Act or in whose possession the goods were found, and not upon His Majesty or upon the person representing His Majesty. Similarly, in any proceedings instituted against His Majesty or any officer for the recovery of any goods seized or moneys deposited under the Act, if any question arises the burden of proof shall lie upon the claimant and not upon His Majesty or upon the person representing His Majesty. The regulation relating to the distribution of the proceeds of penalties and forfeitures is then amended to provide for the prompt payment of awards where goods are not seized. The section relating to the export of deer is also amended. There was authority for making regulations respecting only deer shot by persons not domiciled in Canada, and there was no provision for permitting exportation of deer in the carcass or parts thereof shot by persons domiciled in Canada. The shooting of deer is limited by provincial legislation, and it is not considered that any Canadian industry will be seriously affected by allowing exportation when shot by persons domiciled in Canada.

Customs Tariff.—C. 17 amends the Customs Tariff in respect to customs duties on a very large number of items, and the rates of drawbacks. The general effect, as stated by the Minister of Finance, is a reduction in taxation of $19,000,000. Many of the changes are due to the recommendations of the Advisory Board on Tariff and Taxation, which hears all parties interested and reports to the Minister. The rates on cottons, woollens, linen, flax and jute products, silk and artificial silk, textile machinery, and machinery for mining and concentration of ores, are all reduced or adjusted, and drawbacks are allowed on certain paper used in the production of magazines, on bituminous coal used in melting or evaporating salt produced in Canada, on materials used in the manufacture of certain tools when at least 50% of production costs has been incurred in Canada, and on materials used in the manufacture of engines for the equipment of aircraft.

Czechoslovak Convention.—C. 18 approves the trade convention of March 15, 1928, entered into at Ottawa by plenipotentiaries appointed by His Majesty and by the President of the Czechoslovak Republic. The convention, after being approved by the Parliament of Canada and by the competent authority on the part of Czechoslovakia, is to be ratified and the ratifications shall be exchanged at Ottawa as soon as possible. It comes into force fifteen days after the exchange of ratifications and is binding upon the contracting parties during 4 years from the date of its coming into force. This Act provides that after the said convention is in force and as long as it is in force, articles the produce or manufacture of the Czechoslovak Republic which are imported into Canada shall be admitted into Canada on the most favourable terms granted to any foreign power. The operation of all inconsistent laws is suspended. The Governor in Council is authorized to make such orders and regulations as are deemed necessary to carry out the provisions of the Act and convention. According to the statement of the Minister of Finance, the total imports for 1927 were $1,726,000, consisting of glass and glassware, tableware of china, jewellery, cotton manufactures, worsted, serges, etc., hops, flax, hemp and jute, and other wool and manufactures thereof. Flour is the chief item of export from Canada to the Republic. In the previous year more Canadian flour was sold in that country than in any other country except the United Kingdom. About 714,873 barrels, worth $6,089,538, were sold by Canada to that country in 1926, as stated by the representative of the Republic. Besides flour, rubber tires, canned lobster, adding and calculating machines, and farm implements are among the Canadian exports. The convention itself is printed as a schedule to this Act. Art. 5 of the convention makes it clear that to enjoy the benefit of the tariff advantages provided for, the goods must be conveyed without transhipment from a port of the Republic, such being understood to be a port of a foreign country in which the Republic has defined rights under treaties to which Canada is a party, or from a port of a country enjoying the benefit of the preferential or intermediate tariff, into a sea or river port of Canada.

Electric Inspection.—C. 22 amends and revises the Electric Inspection Act. The purpose of this revision is to delete some of the sections that have become obsolete through progress of time and to add and rewrite other sections which will make the Act conform to the conditions existing to-day, and provide as far as possible for the future. The existing Act is some 20 years old, and the wonderful advance in the use of electricity during that time has made a revision necessary. The commercial unit of supply of electrical energy is to be the kilowatt hour or 1,000 watt-hours. The Governor in Council is given power to make rules and regulations not inconsistent with the Act, and for specifying the variations in the conditions of supply within which the readings of a verified meter shall be legal. A section is inserted dealing with the personnel of the electricity inspection service, and appointing a Director to have direction and general supervision throughout Canada. The section is altered also to conform to the requirements of the Civil Service Act as to qualifying technical examinations before appointments. It also provides that no inspector shall be a seller of electricity or electricity meters, or be employed by any person supplying electricity or meters. Six sections of the old Act which refer to the duties and rights of contractors are deleted as they do not come within the jurisdiction of the Dominion Parliament. In regard to inspection standards this Act provides that all instruments and measuring apparatus shall be supplied by the department; they shall be designated inspection standards and shall bear the imprint or nameplate of the department. Such standards shall conform to primary standards which shall be determined by the National Research Council under the authority of the Research Council Act. The Act is then amended to provide that before commencing the supply of electricity for sale in any municipality or rural district a contractor must obtain a certificate of registration from the department, on a form supplied by the department. Every meter to be used by a contractor or purchaser must be verified by an inspector, and they must be sealed at the time of verification, except such meters as may be approved by the same body. Within 6 years or such lesser periods as are prescribed by the Governor in Council, every meter must be presented for re-verification, re-sealing or re-stamping or for the cancellation of the seal or stamp by an inspector, except meters scrapped, burnt or destroyed. A certificate covering the verification of every meter is to be issued by the inspector. No one may break the seal of any verified meter except the owner, or an inspector, for a valid reason, and no meter on which the seal is broken shall be continued in use. The location of meters is to be reported, the contractor is to provide facilities for testing his meters as prescribed by regulations at places agreed upon, and any inspector shall have right of access to any premises where electricity is generated, distributed or used. Disputed meter tests are then provided for. The inspector proceeds according to regulations and gives the parties his certificate and if either is dissatisfied he may appeal to the Director. A rebate is allowed if the meter error is greater than allowed by regulations and in the event of the meter not being self-continued, the inspector must determine whether the correct multiplier has been used in computing the account, and if an incorrect multiplier has been used the error resulting therefrom shall be deemed to have existed during the whole time the multiplier has been in use. Fees are payable at verification before a certificate is issued, by adhesive stamps affixed by the inspector and cancelled when affixed. Penalties are then imposed for infraction of the provisions of the Act.

Exchequer Court.—C. 23 amends the Exchequer Court Act to make it clear that whenever in any Act of the Parliament of Canada reference is made to the judge or a judge of the Exchequer Court of Canada for the purpose of conferring any power, authority or jurisdiction upon such judge, either the president or the puisne judge may exercise such jurisdiction. Some doubt had been expressed as to the power of the president to act in such cases. A section in the Act which referred to the old official arbitrators is repealed. It was an anomaly in every way because the rules of court provide for referees being appointed by the judges when they deem it necessary. An amendment is inserted to give the court jurisdiction at common law or in equity in all cases relating to patents, copyright, trade marks, and industrial designs. At the present time the court is confined to infringement "actions." A section is inserted to provide that the practice and procedure in the court, so far as they are applicable, and unless otherwise provided in the Act or by general rules thereunder, shall be regulated by the practice and procedure in similar suits, actions and matters in His Majesty's High Court of Justice in England on January 1, 1928. This is to take advantage of the many important and beneficial amendments to the English practice since 1887. Finally, the judges of the court are given power to make general rules and orders and confer authority upon the registrar of the court to exercise such jurisdiction as may be exercised by a judge sitting in chambers.

Experimental Farm Station.—C. 25, which amends the Experimental Farm Stations Act, enables the Governor in Council for the purpose of establishing farm stations to acquire such other areas of land as may be necessary for the establishment of such other experimental farm stations, or for additions to existing stations as may be considered advisable and in the public interest. The experimental farms system now embraces, in addition to the original 5 farms, 20 other stations acquired by purchase or bequest. Under the Act as it stands no extension of any of the original farms is legally possible. This amending Act strikes out the limitation of 500 acres for the central farm in the vicinity of Ottawa, and similar limitations in the other provinces, and will enable the Government to acquire more land for these purposes by purchase or bequest.

Fertilizers.—C. 27 amends the Fertilizers Act. The purpose of these amendments is to place some control over the sale of fertilizers manufactured in the United States by agents who take orders from Canadian farmers, and have the fertilizer shipped direct from the American factory. The amendments also prohibit the advertising of fertilizer for sale until it has been properly registered in accordance with the provisions of the Act. The brand must be registered, and a registration number assigned to it. The application for registration by a non-resident of Canada must be signed by a representative or agent of the applicant domiciled and resident in Canada as well as by the applicant himself, and must contain an undertaking by the agent or representative to be held responsible for compliance with the Act. The package or the tag or label attached thereto must set forth in print the name and address of the manufacturers, the brand name, the registration number, and the guaranteed analysis stating minimum percentages. When sold in bulk this information must be given on the invoice of sale. The total amount of nitrogen, phosphoric acid and potash in mixed fertilizer is raised from 12 to 14 % and provision is made to restrict the selling of materials purporting to be fertilizers but worthless to agriculture. The section relating to poison to plant life is amended to prevent advertising or having in possession for sale any potash salts containing more than five-tenths of 1 % of anhydrous borax or mixed fertilizer containing more than one-tenth of 1 % of anhydrous borax, or any fertilizer containing sufficient destructive ingredients or properties which may prove harmful to plant growth when the fertilizer is used in a reasonable manner. Fertilizers manufactured on prescription of the purchaser, countersigned by an inspector, are excepted if not purchased for resale or actually again sold in Canada. Then follow penalties for adulteration, incorrect marks, or false representation, and provisions for seizure and confiscation, and a section providing that every fertilizer imported for sale or delivery in Canada shall be sold and delivered subject to the terms of the Act and regulations of the Minister.

Immigration.—C. 29 amends the Immigration Act in respect to persons belonging to the prohibited or undesirable classes who are liable to deportation. It repeals s. 41 of the Act as it stands in the Revised Statutes of Canada, 1927, and substitutes therefor a section similar to that in the Statute of 1910. This amendment provides that whenever any person other than a Canadian citizen advocates in Canada the overthrow by force or violence of the Government of Great Britain or Canada, or other British dominion, colony, possession or dependency, or the overthrow by force or violence of constituted law and authority, or the assassination of any official of the Government of Great Britain or Canada or other British dominion, colony, possession or dependency, or of any foreign government, or shall by word or act create or attempt to create riot or public disorder in Canada, or shall by common repute belong to or be suspected of belonging to any secret society or organization which extorts money from, or in any way attempts to control, any resident of Canada by force or threat of bodily harm or by blackmail; such person for the purposes of this Act shall be considered and classed as an undesirable immigrant, and it shall be the duty of any officer becoming cognizant thereof, and the duty of the clerk, secretary or other official of any municipality in Canada wherein such person may be, to forthwith send a written complaint thereof to the Minister, giving full particulars.

Intoxicating Liquors.—C. 31 is an Act respecting Interprovincial and International Traffic in Intoxicating Liquors. The provisions of this Act are designed to prevent, with certain exceptions, the importation of intoxicating liquor into any province where the sale of such liquor is under Government control, except such liquor as is consigned to the local government or its agents.

Intoxicating liquor in this Act means any liquor which is, by the law of the province for the time being in force, deemed to be intoxicating liquor, and which it is unlawful to sell or have in possession without a permit or other authority of the government of the province, or any board, commission, officer or other governmental agency authorized to issue such permit or grant such authority; and "province" means any province of Canada in which there is for the time being in force an Act giving the government of the province, or any board, commission, officer or other governmental agency control over the sale of intoxicating liquor therein.

The main provision is that notwithstanding the provisions of any other Act or law, no person shall import, send, take or transport, or cause to be imported, sent, taken or transported into any province from or out of any place within or without Canada, any intoxicating liquor, except such as has been purchased by or on behalf of, and which is consigned to His Majesty or the executive government of the province into which it is being imported, sent, taken or transported, or any board, commission, officer or other governmental agency which, by the law of the province, is vested with the right of selling intoxicating liquor. These provisions do not apply to the transportation into and through a province by means only of a common carrier by water or railway, or transfers by truck from railway to ship or *vice versa*, if the packages are not opened or broken, or any of the liquor drunk or used therefrom. Nor do they apply to the importation by a licensed distiller or brewer where the liquor is imported solely for the purpose of being used for blending or flavouring, and kept in a lawful warehouse used solely for this blending or flavouring. A third exception is the transfer from one distillery to another of any spirits or liquor, which is permitted by any Act or regulation lawfully in force, or by special permit of the department of National Revenue. The burden of proving the right to import intoxicating liquor, or to cause intoxicating liquor to be imported, or to send, take or transport intoxicating liquor, or to cause intoxicating liquor to be sent, taken or transported into any province, is placed on the person accused. Penalties for first, second and subsequent offences are imposed, with increasing fines and longer terms of imprisonment respectively. Prosecutions may be brought and carried on in the place where the liquor is unlawfully imported, sent, taken or transported, or in the place where the accused resides, or other place from which the intoxicating liquor is unlawfully imported, sent, taken or transported; but no prosecution shall be brought in any province against a person not within or residing in such province without the written approval of the Attorney General of such province. Search warrants may be issued, when it is proved upon oath that there is reasonable cause to suspect that any intoxicating liquor is in any premises or place and dealt with contrary to the provisions of the Act, and government railways, vehicles or steamships may be searched. Upon conviction the court may order the liquor and receptacles to be forfeited and destroyed. The last section excepts from the operation of the Act liquor used for sacramental or medicinal purposes, or for manufacturing or commercial purposes other than for the manufacture or use thereof as a beverage.

National Battlefields.—C. 36 amends the Act respecting the National Battlefields at Quebec.

This is in pursuance of the plan, adopted in 1908, to acquire and preserve the great historic battlefields at Quebec, restoring as far as possible their principal features, so as to make them a Canadian National Park. The Commission in charge of this work is a body politic and corporate under the name of "The National Battlefields Commission."

Pensions.—C. 38 amends the Pension Act, to provide for the amendments made by the special committee appointed by the House, and for such other amendments as are necessary in consequence of the amalgamation of the department of Soldiers' Civil Re-establishment with the department of Health. The first amendment substitutes the words "Pensions and National Health" for the words "Soldiers' Civil Re-establishment" wherever they occur in the Act. This is made necessary by the consolidation and re-naming of the departments. The definition of theatre of actual war is changed to make it clear that disease contracted as a direct result of hostile acts is to be pensionable irrespective of the place where it was contracted. The Pension Commission is to place on the files relating to ex-soldiers the grounds on which pension is awarded or refused, with medical classification of the disease or injury, and whether it was attributable to military service, or pre-existed enlistment and was or was not aggravated during military service. Next, a change is made in the status of the Pension Commission. It is to be attached to the department of Pensions and National Health. It is to report to the Minister and he may include in the annual report of his department such of the said reports as he may determine. It is to have the powers and duties of the deputy head of a department. The Commission is to be charged with the duty of considering and adjudicating upon all questions relating to the award, increase, decrease, suspension or cancellation of any pension under this Act and effect shall be given by the Department to the adjudication of the Commission. Additional like duties may be imposed upon the Commission by the Governor in Council. Regulations for procedure before the Commission may be made by the Minister. Another amendment removes all time limits except in applications for pensions in case of death, which must be made within 3 years. If a pensioner is incapable and not expending his pension properly, pension is administered by the department or by some person selected by the Commission. If a pensioner is imprisoned for 6 months or more the Commission is given discretion to direct the payment of the pension to his dependents or a part to the pensioner. Then follows an amendment to extend the class of persons to whom payment of the balance of pension in case of death may be made, to include any person who has maintained the pensioner. This is followed by an amendment in regard to specially meritorious cases, which provides that instead of an application requiring the approval of a majority of both the Board of Pension Commissioners and the Federal Appeal Board as a condition precedent to an award under this section, as is required by the present Act, in future the Commission may recommend an award without the concurrence of the Federal Appeal Board. It also provides that on a refusal by the Commission the applicant may appeal to the Board and the latter may by itself recommend an award.

A slight change is made in regard to pension for children. It was limited to 17 years of age for a boy and 16 years for a girl. An exception is made if such child and those responsible for its maintenance are without adequate resources. The Commission is given power to direct that the pension for a child may be paid to its mother, father or guardian or any person approved by the Commission, or may direct that the pension be administered by the department. By recommendation of the special committee, the proviso in the old Act that children of a deceased pensioner are entitled to pension as if he had died on service, provided that the death occurs within 10 years after the date of retirement or discharge or the date of commencement of pension, is struck out. The pension for minor children on the death of the wife is continued. So, also, in the case of minor children on the death of a widow. The next amendment extends the discretion of the Commission to make grants in any case in which there may be special wear and tear of clothing by reason of treatment. The following amendment is to make it clear that an application for treatment shall be regarded as an application for pension. The reduction of pension for refusing to undergo medical or surgical treatment is not to apply to a refusal to undergo a major surgical operation. Payment of pension will be suspended while a pensioner is undergoing treatment with pay and allowances. If for treatment only without pay and allowances, if his pension exceeds these, it is reduced to such amount. In both cases the pension shall recommence after treatment. Another amendment is to provide that the allowance for maintenance of parents may be paid to the person who was supported in place of a parent, and so also if such parent or person is incapacitated by mental or physical infirmity. For sickness and burial expenses $50 is added to the present grant of $100. Then this amending Act provides for pensions to widows if the injury in respect of which the man was pensioned or entitled to pension would not shorten his expectancy of life, or if he was not chronically ill of a pensionable disease and not in receipt of pension therefor. This would not apply to periods anterior to the date of the coming into force of the Pension Act. The next amendment relates to widows of pensioners in certain classes to preserve their rights which would have arisen apart from the cases being those requiring institutional treatment. In the case of a woman not married to a member of the forces who was living with him as his wife for a reasonable period before his enlistment, and was at that time publicly represented as his wife, the Commission has discretion to award a pension, even if there is no evidence that she has been publicly represented as his wife. And this amending Act adds, that such woman shall not be refused a pension by reason only of her having married the member of the forces with whom she had been living as aforesaid. The next section authorizes the Commission to fix a date when pension is payable to a parent or person in place of a parent not wholly or to a substantial extent maintained by the member of the forces at the time of his death. Two sections follow which attach the Federal Appeal Board to the department, with salaries and expenses payable out of moneys voted by Parliament, and provide for annual reports. Conditions governing appeals are then provided for where the medical classification of the injury or disease in respect of which an application has been refused by the Commission is considered by the Appeal Board to be in error. The dispute is to be referred to three medical experts to determine the classification. If pension is still refused by the Commission, the Board is to reconsider the appeal and issue its judgment on the new medical classification. The time allowed for appeals is extended to December 3, 1928, or within 2 years from the decision appealed from. So also is the time for submitting newly discovered evidence as ground for reconsideration and a second appeal. Further, any dispute as to the jurisdiction of the Appeal Board to entertain appeals from refusal of pension by the Commission is to be referred to the Exchequer Court for determination. Next, a final payment not exceeding $100 is allowed to all ranks for disabilities below 5%. The department is authorized to prepare an office consolidation of the Act for distribution, and finally, the amending Act comes into force on September 1, 1928.

Pensions and National Health.—C. 39 creates the department of Pensions and National Health under one Minister, with a deputy minister and necessary officers, and amalgamates the departments of Health and Soldiers' Civil Re-establishment in one department. The Minister is to have control and management of all matters assigned to him by the Governor in Council relating in any way to the care, treatment and re-establishment in civil life of all persons who in the Great War served in the naval, military or air forces of His Majesty's allies, and to the care of the dependents of such persons. He has power, subject to the approval of the Governor in Council, to make regulations respecting hospitals, staff, artificial limbs and appliances, retention of moneys or properties, guardianship of the insane, prescribing payments, grants, or allowances, reciprocal and other arrangements with other governments, sheltered employment, appeals and penalties. Official soldiers' advisers may be appointed, and the Minister may direct evidence to be taken on oath with respect to any matter pertaining to his department.

In regard to public health, his powers and duties extend to all matters and questions relating to the promotion or preservation of the health of the people of Canada over which the Parliament of Canada has jurisdiction. He is charged with the administration of the Food and Drugs Act, the Opium and Narcotic Drug Act, the Quarantine Act, the Public Work Health Act, the Leprosy Act, and the Proprietary or Patent Medicine Act, and the regulations thereunder. He also has powers of co-operation with provincial territorial and other health authorities with a view to the co-ordination of the efforts proposed or made for preserving and improving the public health, the conservation of child life and the promotion of child welfare, and for the establishment of a national laboratory for public health and research work, the inspection and medical care of immigrants, the administration of marine hospitals, the supervision of federal public buildings and offices to conserve and promote the health of civil servants and government employees, the enforcement of rules or regulations of the International Joint Commission of Canada and the United States so far as they relate to public health, and the collection, publication and distribution of information relating to public health, sanitation and other kindred matters affecting public health. The Governor in Council has power to make regulations to give effect to these objects and may impose penalties for violation thereof. A Dominion Council of Health is established. It is to consist of the deputy minister as chairman, the chief executive officer of the provincial department or board of health of each province, and five others appointed by the Governor in Council who shall hold office for 3 years. It is to meet at such time and places as the Minister may direct and is to be charged with such duties and powers as the Governor in Council may prescribe, but the jurisdiction and control of any provincial or municipal board of health or other health authority in any province is not to be interfered with. Provision is then made for changing in all Acts affected the title of the Minister, deputy ministers, and departments. Also for the appointment, classification and salaries in the amalgamated departments, and for the staff being subject to the Civil Service Act. The existing Department of Health Act and Department of Soldiers' Civil Re-establishment Act are repealed.

Precious Metals.—C. 40 amends the Gold and Silver Marking Act, and changes the name to an Act respecting the manufacture, marking and sale of articles composed of gold or silver or platinum, and of gold plated, silver plated and platinum plated ware. The Act is to be cited as the Precious Metals Marking Act, 1928. Mark is defined and includes any mark, sign, device, etc., indicating or purporting to indicate quality, quantity or weight of gold or of silver or of platinum or quality or kind of gold or silver or platinum plate, and platinum includes any alloy of platinum. The section relating to gold and silver articles is amended to apply to marks on gold articles, silver articles and platinum articles. It is further amended in that a quality mark correctly indicating the quality of the gold or silver or platinum shall be applied to such articles. If the article has applied to it by the government of any foreign country a mark authorized to be applied by the laws of that country, indicating truly and correctly the quality of the gold or silver or platinum, and complies with the other provisions of the Act, then it does not require a registered trade mark or quality mark.

To the articles to which the Act applies are added platinum articles, being articles wholly or partly or purporting to be, wholly or partly, composed of platinum. The Governor in Council is given power to make regulations defining the plated articles to which the Act applies and designating the quantity and quality of the materials of which such articles shall be composed. The section of the Act which governs gold filled articles was practically obsolete and inoperative ; it did not protect the public or the manufacturer. As it read it did not permit the manufacturer who desires to make a superior line of goods to apply a quality mark to them, and stipulated that all gold filled articles must bear the same mark, " Gold Filled," thereby putting the manufacturer of inferior quality on the same basis and depriving the reputable manufacturer of the fruits of his labours.

The amending Act then proceeds to enact that the word " platinum," or any abbreviation or colourable imitation thereof, shall not be applied to any article or merchandise, unless at least 95% of the metallic content of said article is composed of platinum either alone or in conjunction with iridium. If any article has applied to it any mark, it must have applied to it the trade mark of the manufacturer of such article. The reason for these amendments regarding platinum is that platinum jewellery has become very popular and is extensively imitated and offered for sale bearing the marks "platinum," "platenoid," etc., the major portion of which is made of white gold and pallidium. The development of white gold has proceeded to such an extent that only an expert can decide whether an article is made of an alloy or of platinum; it offers great opportunities for deception. This amending Act came into force by proclamation, January 1, 1929.

Returned Soldiers' Insurance.—C. 45 amends the Returned Soldiers' Insurance Act of 1920. Under that Act the contract of insurance might provide that if the insured becomes totally and permanently disabled and rendered incapable of pursuing continuously any substantially gainful occupation, and if such disability is not deemed to be attributable to his service so as to bring him under the provisions of the Pension Act, the premium thereafter falling due under the contract is waived and the insured receives a disability benefit of an annual payment of one-twentieth of the sum insured, for life, but not exceeding 20 payments in all. This amending Act extends this to men likewise disabled, not brought under the provisions of the pension law of the United Kingdom or any of His Majesty's Dominions (other than the Dominion of Canada) or of His Majesty's Government, or of any of His Majesty's allies or associated Powers in the Great War, or so as to entitle them to pay and allowances on account of war disability. The next amendment extends the time for receiving applications for insurance up to August 31, 1929. The previous limit was September 1, 1923. The last amendment provides that applications from persons in so serious a condition of health that they have no reasonable expectation of life are to be refused. This amending Act is the result of the unanimous report of the special committee of the House inquiring into soldiers' pensions and soldiers' insurance, as amended by the Senate, which reduced the extended time for receiving applications to 1 year instead of 5 years as proposed by the House.

Seeds.—C. 47 amends the Seeds Act for the purpose of making a number of minor charges in the wording of the Act in order to overcome some technical difficulties in administration. Provision is also made for a change in the naming of a new or established variety of seed when such is shown to be necessary. This Act makes provision also for the elimination of the designation of zones of seed production, and takes definite authority for the colouring of seed to indicate its origin. Authority is granted to inspectors under the Act to obtain a statutory declaration in respect of seed presented for grading and being sold in containers.

Elite stock seed is defined as selected seed or plants produced by plant breeders, the product of which may be eligible to produce registered seed.

Soldier Settlement.—C. 48 amends the Soldier Settlement Act. The original Act charged all Dominion lands with all advances made by the Soldier Settlement Board to the settler, and provided for withholding patent until all indebtedness had been liquidated. The present amendment is designed to limit the land against which any such charge will lie, to land obtained by the settler prior to the approval by the Board of a specific advance. The various difficulties which arose over the defiation in value of the land taken up by returned soldiers was considered by a special committee of the House in the session of 1927, and again in this session. It was the opinion of the Committee that the present policy of withholding title to homesteads and soldier grants in respect of lands other than those upon which loans are granted should be discontinued. Also that no deficiency which may remain on the resale of the lands or other property of a former settler whose agreement with the Board has been terminated should be charged to or collectible from the said former settler, except in cases where fraud or intent to defraud is shown. This amendment provides that when a settler obtains or has obtained Dominion lands, whether by soldier grant or otherwise, such lands shall be subject to a first charge in favour of the Board for any sum owing to the Board in respect of any sale or advance thereafter approved for and made to him by the Board pursuant to the Act, and no patent is to be issued until the sum so owing is paid with accrued interest. Then the provision as to revaluation of land sold to settlers is amended to provide that a settler who is indebted to the Board in respect of an amount loaned to him under the old Act for and expended in the purchase of agricultural land may make application for the revaluation of his land. And, further, the Act is amended to provide that the depreciation in the value of the lands shall be the amount by which, through no neglect or mismanagement of the settler, the price at which the Board agreed to sell the land and improvements to the settler, or the price under the former Act paid by the settler with the approval of the Board for the land and improvements, exceeds the present value. In determining the present value of the land, improvements made by the settler are not to be included.

Spanish Treaty.—C. 49 is an Act respecting a certain Treaty of Commerce and Navigation between the United Kingdom and Spain, and a certain agreement between the United Kingdom and Spain regulating the treatment of companies.

The following treaties, that is to say:

(i) the Treaty of Commerce and Navigation between the United Kingdom and Spain signed at Madrid on October 31, 1922, set forth in Schedule I to this Act;

(ii) the Agreement between the United Kingdom and Spain regulating the treatment of companies signed at Madrid on June 27, 1924, set forth in Schedule II to this Act;

(iii) the Convention between the United Kingdom and Spain signed at London on April 5, 1927, revising certain provisions of the said treaty of October 31, 1922, set forth in Schedule III of this Act,

are sanctioned and declared to have the force of law in Canada.

The Act was to come into force on a day to be fixed by proclamation of the Governor in General in Council published in the *Canada Gazette*, and this was issued fixing August 1, 1928, as the date.

According to the statements of the Minister of Finance in the House, the British Government signed a treaty of commerce and navigation with Spain on October 31, 1922, a clause of which provided that the terms could be extended to any of the British Dominions at the option of the Dominion. On June 27, 1924, Great Britain and Spain entered into an agreement concerning the treatment of companies. On April 5, 1927, the previous agreements were revised, and as the objectionable features of the old agreements have been removed, Canada was prepared to accept the treaty. The Company agreement is of value to several Canadian companies, including some of the banks. The Spanish tax on capital and reserve was 1%. Under the agreement that tax is reduced to one-quarter of 1%. On April 10, 1925, Canada entered into an Agreement with Spain whereby Canada granted the intermediate tariff in exchange for the second column of the Spanish tariff. Their first tariff is usually three times as high as the second tariff, while such conventional rates as exist are the lowest in force. Based on an exchange of notes between the United Kingdom and Spain in 1894, Canada and Spain for several years granted each other most-favoured-nation treatment in tariff matters. The relations between the two countries came up for review in consequence of the Anglo-Spanish commercial treaty of 1922, and which contained provision for adherence by British Dominions. This treaty, though not precisely so in form, practically gave to the United Kingdom full most-favoured-nation treatment in Spain. It contained guarantees of either exempting certain Spanish products from duty or, with regard to some goods, maintaining as low duties as were in force at the signing of the treaty. The same obligations are imposed on Canada by accepting the treaty. Although not becoming a party to the British treaty, Canada did not immediately withdraw most-favoured-nation treatment from Spain. That was the agreement that existed from 1894. The attitude of Spain was to grant Canada her second tariff but not conventional rates in return for most-favoured-nation treatment in the British Dominions. In 1923 Canada discontinued most-favoured-nation treatment of Spanish goods, and in January, 1924, the Spanish first tariff was applied to Canadian goods. The negotiations for a trade agreement between Canada and Spain terminated in an exchange of notes on April 10, 1925, at Madrid, between the Spanish authorities and the British ambassador. A *modus vivendi* was thus established which provided for exchanging the Spanish second tariff for the Canadian intermediate tariff. The Spanish second tariff is the lowest in force on most items, but Canada is deprived of such conventional rates as exist. There are conventional rates lower than the second tariff on commodities of considerable interest to Canada, including fish, lumber, wood pulp, rubber tires, electric apparatus and machinery. Canada is adhering to the British treaty so as to obtain the lowest possible rates for nationals doing business in Spain. In 1925 Canada agreed to start negotiations for a treaty, and this is the consummation of that agreement, but no other treaty was made.

Trade Agreement.—C. 52 is an Act respecting trade between Canada and Esthonia, Hungary, Latvia, Lithuania, Rumania and the Serb, Croat and Slovene Kingdom. The United Kingdom has made various commercial treaties with world powers, most of them styled for commerce and navigation, and it is a general term of these treaties that they do not apply to the self-governing Dominions unless the Dominion gives notice that it intends to accept the treaty in whole or in part. In these treaties with the above-mentioned countries Canada has deemed it advisable to accept the clause providing for the mutual exchange of the most-favoured-nation treatment. This Act provides that goods produced or manufactured in any of the countries mentioned shall receive in Canada treatment as favourable as that accorded to goods produced or manufactured in any other foreign country so long as goods produced or manufactured in Canada enjoy in such country the same treatment as is enjoyed by similar goods produced or manufactured in the United Kingdom. The Act authorizes Orders in Council to carry out the provisions and intents of the

Act, and upon giving notice within the prescribed periods the Government may terminate the favoured-nation treatment. All inconsistent laws are suspended. The countries and the dates of the various treaties and agreements are set out in the schedule to the Act. In 1926 the Canadian exports to these countries totalled $1,250,639; and in 1927 the relative figures were $2,374,021 as against $673,760.

2. ALBERTA.

[*Contributed by* John D. Hunt, Esq., *Clerk of the Executive Council.*]

Bills of Sale.—The Act formerly required that the affidavit of bona fides when made by an employee shall state that the deponent is aware of the circumstances, has a personal knowledge of the facts deposed to and is duly authorized to make such affidavit. The amendment (c. 27) provides that such affidavit shall state that the deponent is aware of the circumstances and has a personal knowledge of the facts set out.

" Provided, however, that any bill of sale executed between the first day of April, 1928, shall, insofar as the affidavits hereinbefore mentioned are concerned, be deemed to be valid, if such affidavits were made in accordance with the law as it stood immediately prior to the said first day of April, 1927."

Conditional Sales.—By c. 26 a valid assignment of a lien note or conditional sale agreement shall transfer the assignor's property in the goods, his rights of seizure, removal and sale and all other rights with regard to the enforcement of the security and shall not require registration under the provisions of the Bills of Sale Act.

Theatres.—By c. 55 the Lieutenant-Governor in Council is given power to make regulations respecting the attendance of children at any theatre or entertainment hall.

In the event of a city or town lawfully requiring a licence in respect of any theatre or entertainment hall in respect of which a licence is demanded under the provisions of this Act, a licence under this Act shall only be in force for and so long as the licensee is the holder of a valid licence from a city or town as the case may be.

Domestic Animals (Unorganized Territory).—By c. 10, whenever a municipal district is disorganized, any by-law prohibiting animals from running at large in such municipal district, or any part thereof, shall continue in force within the territory which it affected prior to the disorganization of the municipal district as if it were an order made by the Lieutenant-Governor in Council under the provisions of the Act.

The Minister may from time to time make regulations not inconsistent with this Act as to the construction, conduct and management of pounds.

Every poundkeeper hereafter appointed shall, before entering upon his duties, furnish the Minister with a bond in the sum of $200 for the due performance of his duties, in such form and with such sureties as the Minister may determine.

It shall be the duty of the poundkeeper to examine diligently any impounded animals for brands and other markings and to use for that purpose all proper and usual means for making such examination and to describe in his notice in Form " C " all brands and markings so found, and if any brand is faint, indistinct or not easily read the poundkeeper shall describe minutely in the said notice by words and diagrams every such brand or mark.

Private Hospitals.—By c. 34 every application for a licence to keep a private hospital shall: (*a*) be in writing; (*b*) be accompanied by a plan of the hospital building; (*c*) indicate the character or class of the hospital for which a licence is required; and (*d*) be accompanied by a fee of $5 or such lower fee as may in any particular case be prescribed by the Minister.

The superintendent, or if there is no superintendent, the licensee of every private hospital, shall not later than the tenth day of each month make a return to the Provincial Board of all births, including still births, which have taken place in the hospital during the preceding month, and such return shall be in such form and shall contain such particulars as the Provincial Board may from time to time require.

The superintendent, or if there is no superintendent, the licensee of every private hospital, shall as soon as possible send a full report of every death occurring in the hospital to the Provincial Board, and in the case of the death of any mother or child in a maternity home, such report shall be forwarded within 24 hours of the death.

Solemnization of Marriage.—By c. 36, if the issuer of marriage licences is in the public service of the Province, he shall not be entitled to retain any part of the fee unless permitted to do so by order of the Lieutenant-Governor in Council, and then only to the extent and subject to the conditions set out in such order.

Railways.—C. 67 adopts the procedure for expropriating land for public works to the expropriation of land for the purposes of railways which are owned or controlled by the Government; it also provides a penalty for trespass on railway property.

Interpretation.—It is provided by c. 18 that where, by any Act, judicial or quasi-judicial powers are given to a judge or an official of any court of record, whether individual or as a member of a class, those powers shall be deemed for all purposes to be given to the judge or official of the court as if the court itself had jurisdiction in respect thereof, and not as a *persona designata* unless the Act contains express provision to the contrary.

Whenever an Act passed after the commencement of this Act authorizes or requires any document to be served by mail, the service shall be deemed to be effected by properly addressing, prepaying and posting a letter containing the document, and unless the contrary is proved, shall be deemed to be effected at the time at which the letter would have been delivered in the ordinary course of post.

The words used in any order, warrant, scheme, rules, regulations or by-laws made under the power conferred by any Act, shall, unless the contrary intention appears, have the same respective meanings as they have in the Act conferring the power.

Where an Act passed after the commencement of this Act, or any Order in Council, order, warrant, scheme, rules, regulations or by-laws made, granted or issued under a power conferred by any such Act, is expressed to come into force on a particular day, the same shall be construed as coming into operation immediately upon the expiration of the previous day.

Treasury Department.—C. 3 increases the salary of the Provincial Auditor from $5,000 to $6,500 per year.

Improvement Districts.—By C. 49 " hamlet " is defined to mean an area of land subdivided into building lots or as a town site, a plan of which is registered in a land titles office, and any parcel of land as defined by clauses (i) and (ii) of paragraph (*o*) which is occupied by a building and its appurtenances used for purposes other than farming purposes.

Parcels in a hamlet are to be assessed if the improvements on the parcel were not taken into consideration in making the assessment of the previous year.

The Minister may direct a new annual or quinquennial assessment to be made in any improvement district or districts or all improvement districts, and if in his opinion the procedure prescribed in the Act is inapplicable, he may prescribe other procedure which shall include provisions for the hearing of complaints by a court of revision and appeals by a district court judge.

Extension of Railways.—C. 65 provides for the extension of the Central Canada Railway for a distance of fifteen miles and a loan of $435,000 for that purpose to be paid by instalments upon progress certificates ; and further makes provision for a loan of $117,632.50 for the maintenance, improvement, upkeep and equipment of the railway.

C. 62 provides for the extension of the Grande Prairie branch of the Edmonton, Dunvegan and British Columbia Railway for a distance of twenty-five miles, and a loan of $735,000 for that purpose ; and further makes provision for a loan of $488,297.50 for the maintenance, improvement, upkeep and equipment of the railway.

Sale of Goods.—C. 23 provides that where a person having bought, or agreed to buy goods, obtains with the consent of the seller possession of the goods or a document of title to the goods, the delivery or transfer by that person, or by a mercantile agent acting for him, of the goods or documents of title under any sale, pledge or other disposition thereof to any person receiving the same in good faith and without notice of any lien or other right of the original seller in respect of the goods, shall have the same effect as if the person making the delivery or transfer were a mercantile agent in possession of the goods or documents of title with consent of the owner ; but this section shall not apply to goods the possession of which is obtained under a contract coming within the meaning of the Conditional Sales Act, where the seller has complied with the provisions of that Act.

Devolution of Real Property.—It is provided by c. 16 that real property to which a deceased person was entitled for an interest not ceasing on his death, shall upon his death, notwithstanding any testamentary disposition, devolve upon and become vested in his personal representative from time to time as if it were personal property and shall be dealt with and distributed by him as personal estate.

This provision shall apply in cases of death occurring after May 8, 1906.

In the administration of the assets of a deceased person his real property shall be administered in the same manner subject to the same liabilities for debts, costs and expenses and with the same incidents as if it were personal property.

Provided that nothing herein contained shall alter or affect the order in which real and personal assets respectively are now applicable as between different beneficiaries, in or towards the payment of funeral and testamentary expenses, debts or legacies or the liability of real property to be charged with payment of legacies.

At any time after the date of probate or letters of administration the personal representative may convey the real property to any person entitled thereto and may make the conveyance either subject to a charge for the payment of any money which the personal representative is liable to pay or without any such charge.

This Act shall be so interpreted and construed as to effect its general purposes of making uniform the law of the provinces which enact it.

Children of Unmarried Parents.—C. 20 provides that at any time after complaint is made as provided in s. 8 of the Act, a judge may examine under oath, and as part of the proceedings, the mother or unmarried woman and the putative father as to her or his means.

Where any one of two or more persons may be the possible father of a child born out of wedlock or of a child likely to be born out of wedlock, any person named under s. 8 (2) may make a complaint under the provisions of this section naming each such possible father, and the provisions of this Act setting forth the proceedings following the making of a complaint shall apply.

The judge may make an affiliation order according to the provisions of s. 11 against any one of such persons or upon such evidence as in his discretion is deemed sufficient, the evidence of the mother being corroborated in some material particular by evidence implicating the accused and having regard to the amount payable under s. 11 in the case of affiliation, or he may make an order against one or more of such persons fixing the amount to be paid by each of them, and the provisions of this Act shall as nearly as may be apply to any order so made.

Intestate Succession.—C. 17 shall apply only in cases of death after its commencement.

If an intestate dies leaving a widow and one child, one-half of his estate shall go to the widow.

If he leaves a widow and children, one-third of his estate shall go to the widow.

If a child has died leaving issue and such issue is living at the date of the intestate's death, the widow shall take the same share of the estate as if the child had been living at that date.

If an intestate dies leaving issue, his estate shall be distributed, subject to the rights of the widow, if any, *per stirpes* among such issue.

Where the net value of the estate does not exceed $15,000, the official guardian, upon application being made to him, may direct that all or any part of the share of any issue of the intestate shall be paid to the widow for the education, maintenance or advancement of such issue, at such time or times as may seem fit to him.

If an intestate dies leaving a widow, but no issue, his estate shall go to his widow.

If an intestate dies leaving no widow or issue his estate shall go to his father and mother in equal shares if both are living, but if either of them is dead the estate shall go to the survivor.

If an intestate dies leaving no widow or issue or father or mother, his estate shall go to his brothers and sisters in equal shares, but if any brother or sister is dead, the children of the deceased brother or sister shall take the share their parent would have taken, if living:

Provided that where the only persons entitled are children of deceased brothers and sisters they shall take *per capita*.

If an intestate dies leaving no widow, issue, father, mother, brother or sister and no children of any deceased brother or sister, his estate shall go to the next-of-kin.

In every case where the estate goes to the next-of-kin, it shall be distributed equally among the next-of-kin of equal degree of consanguinity to the intestate and those who legally represent him ; but in no case shall representation be admitted among collaterals after brothers' and sisters' children.

For the purposes of this Act, degrees of kindred shall be computed by counting upward from the intestate to the nearest common ancestor and then downward to the relative ; and the kindred of the half-blood shall inherit equally with those of the whole-blood in the same degree.

Descendants and relatives of the intestate, begotten before his death but born thereafter, shall inherit as if they had been born in the lifetime of the intestate and had survived him.

If any child of a person who has died wholly intestate has been advanced by the intestate by portion, the portion shall be reckoned, for the purposes of this section only, as part of the estate of the intestate distributable according to law ; and if the advancement is equal to or greater than the share of the estate which the child would be entitled to receive as above reckoned, the child and his descendants shall be excluded from any share in the estate ; but if the advancement is not equal to such share, the child and his descendants shall be entitled to receive so much only of the estate of the intestate as is sufficient to make all the shares of the children in the estate and advancement equal as nearly as can be estimated.

The value of any portion advanced shall be deemed to be that which has been expressed by the intestate or acknowledged by the child in writing, otherwise the value shall be the value of the portion when advanced.

The onus of proving that a child has been maintained or educated, or has been given money, with a view to a portion, shall be upon the person so asserting, unless the advancement has been expressed by the intestate, or acknowledged by the child, in writing.

All such estate as is not disposed of by will shall be distributed as if the testator had died intestate and had left no other estate.

Subject to the provisions of the Dower Act no widow shall be entitled to dower in the land of her deceased husband dying intestate, and no husband shall be entitled to an estate by the curtesy in the land of his deceased wife so dying.

Illegitimate children and their issue shall inherit from the mother as if the children were legitimate, and shall inherit as if the children were legitimate, through the mother if dead, any real or personal property which she would have taken, if living, by gift, devise or descent from any other person.

If an intestate, being an illegitimate child, dies leaving no widow or issue, his estate shall go to his mother, if living, but if the mother is dead his estate shall go to the other children of the same mother in equal shares, and if any child is dead the children of the deceased child shall take the share their parent would have taken if living :

Provided that where the only persons entitled are children of deceased children of the mother, they shall take *per capita*.

The estate of a woman dying intestate shall be distributed in the same proportions and in the same manner as the estate of a man so dying.

If a wife has left her husband and is living in adultery at the time of his death, she shall take no part of her husband's estate.

If a husband has left his wife and is living in adultery at the time of her death, he shall take no part of his wife's estate.

This Act shall be so interpreted and construed as to effect its general purpose of making uniform the law of those provinces which enact it.

Sexual Sterilization.—It is provided by c. 37 that when it is proposed to discharge any inmate of a mental hospital, within the meaning of the Mental Diseases Act, the Medical Superintendent, or other officer in charge thereof, may cause such inmate to be examined by or in the presence of the Board of Examiners.

If upon such examination the Board is unanimously of opinion that the patient might safely be discharged if the danger of procreation by transmission of the disability to progeny were eliminated, the Board may direct in writing such surgical operation for sexual sterilization of the inmate as may be specified in the written direction and shall appoint some competent surgeon to perform the operation.

Such operation shall not be performed unless the inmate, if, in the opinion of the Board, he is capable of giving consent, has consented thereto, or where the Board is of the opinion that the inmate is not capable of giving such consent, the husband or wife of the inmate, or the parent or guardian of the inmate, if he is unmarried, has consented thereto, or where the inmate has no husband, wife, parent or guardian resident in the Province, the Minister of Health has consented thereto.

No surgeon duly directed to perform any such operation shall be liable to any civil action whatsoever by reason of the performance thereof.

This Act shall have effect only in so far as the legislative authority of the Province extends.

Legitimation.—C. 30 provides that if the parents of any child heretofore or hereafter born out of lawful wedlock have heretofore intermarried or hereafter intermarry, such child shall for all purposes be deemed to be and to have been legitimate from the time of birth.

Nothing in this Act shall affect any right, title or interest in or to property after such right, title or interest has vested in any person (*a*) prior to the passing of this Act in the case of any such intermarriage which has heretofore taken place; or (*b*) prior to such intermarriage in the case of any such intermarriage which hereafter takes place.

Alberta Women's Bureau.—C. 13 provides that there shall be established a bureau consisting of such persons as the Minister of Agriculture may from time to time appoint, who shall hold office with the title of "The Alberta Women's Bureau."

The aims and objects of the bureau shall be: (*a*) to co-ordinate the activities of women and women's organizations in the Province for the purpose of bettering the social and educational conditions in any community; (*b*) to collect and tabulate information and statistics with regard to any condition relating to the occupation or work of women; (*c*) to prepare information and statistics relating to any branch of home economics (including nursing, household science, sanitation, food values, sick-room cookery, house furnishing, sewing), and relating to child welfare, prevention of disease, local neighbourhood needs and social conditions, and to assist and encourage women's organizations in holding, establishing and maintaining educational demonstrations, lectures and courses of study, with reference to the matters aforesaid; (*d*) generally to conduct research work into any of the matters aforesaid.

Domestic Relations.—C. 25 provides for an appeal to the district court from any order of a police magistrate or from his refusal to make an order and sets out the procedure for such appeal, and provides that it shall be a re-hearing of the matter on the merits, and gives the judge power to set aside, vary or confirm any order made by the magistrate or to make any other order provided by the Act and warranted by the evidence.

Industrial Disputes.—By c. 42 the provisions of the Industrial Disputes Investigation Act, being c. 112 of the Revised Statutes of Canada, 1927, shall apply to every industrial dispute of the nature therein defined, which is within or subject to the exclusive legislative jurisdiction of the Province.

The Lieutenant-Governor in Council may by proclamation apply the provisions of any amendment to the said Act which may hereafter be enacted by the Parliament of Canada to every industrial dispute of the nature in the said Act defined, which is within or subject to the exclusive legislative jurisdiction of the Province, whereupon those provisions shall apply accordingly.

Workmen's Compensation (Accident Fund).—By c. 38 the meaning of "workman" has been extended to include the driver of a vehicle doing work for another, whether the former supplies the vehicle or not, provided that the relationship of master and servant exists between the two.

3. BRITISH COLUMBIA.

Acts passed—59; Public—56; Private—3.

The following are the more important Acts of general interest.

Canadian Farm Loans.—C. 4 provides for the appointment of a Provincial Board to co-operate with the Canadian Farm Loan Board in making loans to farmers under the Canadian Farm Loan Act, 1927, of the Dominion of Canada, which establishes a system of farm loans supported jointly by the Dominion and the Provinces.

Elections, Provincial.—Amendments of the Provincial Elections Act (R.S.B.C., 1924, c. 76) are enacted by c. 12 to improve the system of absentee voting at provincial elections established in 1920. The amendments are designed to prevent fraud in connexion with absent voters' ballots, and to provide for a preliminary count of these ballots on election day so that the results of an election may with reasonable certainty be known immediately, without waiting for the official count after the ballots have reached the respective electoral districts in which the absent voters reside.

Game.—The provisions of the Game Act which regulate the keeping of fur-bearing animals for breeding purposes and the production of furs are amended by c. 16 to provide for a system of registered brands, under which the owner of a branded fur-bearing animal will retain his right of property in the animal after it escapes, or in its pelt if it is killed.

Produce Marketing.—Amendments by c. 39 of the Produce Marketing Act (1926–27, c. 54) are designed to increase the powers of the general committee of direction in control of the marketing of fruits and vegetables in a district, and to provide for the appointment of local committees to have charge of the marketing of vegetables grown in local areas within the district.

Town Planning.—Substantial amendments (c. 48) to the Town Planning Act (1925, c. 55) provide for the compulsory replotting and re-subdivision of the lands of the owners in any area within a municipality for the purpose of facilitating the physical development of those lands or making them more suitable and convenient for public or private use. For the carrying out of this replotting all lands and highways in the area are considered as in a common mass, from which is first taken the land necessary for highways and public grounds. The remainder of the mass is divided into parcels for allotment to the owners in as fair and suitable a manner as possible having regard to the location and value of their former parcels. Compensation is provided for those owners who suffer loss through the replotting.

Trade Licence Boards.—C. 49 makes provision by which, at the request of a Municipal Council, a Trades Licence Board may be constituted for the municipality, having wide powers of regulating or prohibiting the carrying on of certain classes of business in certain areas or by persons of a class considered unfit from a health or sanitary standpoint.

Other Acts passed during the Session relate to various public and departmental statutes and cover amendments mostly of minor importance.

4. MANITOBA.

[*Contributed by* ERSKINE W. IRELAND, ESQ., LL.B.]

Acts passed—115; Public—109; Private—6.

Companies.—C. 5 provides that where the amount at which shares of no par value may be sold is fixed by the letters patent, the fee for incorporation or licence shall be calculated according to the tariff of fees on the aggregate of the capital at the amount so fixed. The provision that no company shall use any of its funds to purchase stock in any other corporation, unless expressly authorized by a by-law confirmed at a general meeting, is amended to dispense with the necessity of passing such by-law if the letters patent authorize such object. By c. 6 the penalty for default in complying with the provisions relating to annual returns is reduced from $5 to $1 for each month during which default continues.

Damage by Mining.—C. 7 is a new Act entitled "The Damage by Mining, Smelting and Refining Operations Arbitration and Compensation Act."

A certain area within the Province is created as a mining, smelting and refining district, within which operations may be carried on by any person or corporation without liability for damage occasioned thereby within such mining, smelting and refining district. Where damage is occasioned outside of the district created by the Act, such damage may be determined by an arbitrator (a judge of the Court of King's Bench or County Court) who is appointed by the Lieutenant-Governor in Council and is given exclusive jurisdiction to determine the amount of such damage and to make an award. The person aggrieved and the person offending may arrive at a mutually satisfactory settlement apart from the arbitrator. The Act also provides that it shall be lawful for an operator of mining, smelting or refining works to make an agreement with an owner or lessee of land situate outside of the district created by the Act for payment of compensation for any damage resulting or likely to result to the land from the operation of such works. The payment of compensation under such agreement shall afford a complete answer to any action.

County Courts.—Under the amending Act (c. 8) a judge may make an order forbidding the issue of a second garnishing order in any case in which such order would appear to be desirable. The Act is further amended to permit a judgment creditor to proceed by way of a judgment summons without first issuing execution.

Surrogate Courts.—Cc. 10 and 11 amend the Surrogate Courts Act. The judge may require other or additional security to be furnished in case where a surety for an administrator or guardian dies or becomes insolvent or where for any other reason the security furnished becomes inadequate or insufficient. Where a surety desires to be discharged, the judge may allow other security to be furnished. Where an administrator has completed his duties, the judge may direct the bond to be delivered up to be cancelled.

Where service of a notice is necessary in certain actions or proceedings relating to land, and a person having or claiming an interest in the land affected has died and no will of the deceased has been probated or personal representative of the estate of the deceased appointed in Manitoba, such service shall be effectually made if made upon the official administrator, accompanied by a fee of $30. The official administrator is required to make such inquiries as he may deem necessary for the purpose of ascertaining whether the interest is worth protecting, and to communicate a recommendation to the heir or heirs-at-law. Such communication is to be made to the official guardian where there is a minor interested in the land.

Crop Payments.—The amending Act (c. 12) provides that a right to, and a special property or interest in crops or the proceeds thereof, as mentioned in the Crop Payments Act, shall not be defeated or impaired by the crop being sown, grown or reaped in whole or in part by someone other than the tenant, purchaser or mortgagor, but shall exist in favour of the landlord, vendor or mortgagee, subject to a proviso in favour of a *bona fide* purchaser or tenant of the land from the tenant, purchaser or mortgagor, without notice of the lease, agreement for sale or mortgage.

Distress.—By c. 14 the Distress Act is amended to give mortgagees or vendors the right to require tenants or occupants to pay the rentable value of the land. Such rentable value is recoverable by any remedy or proceeding as between landlord and tenant. A second or subsequent mortgagee is allowed to exercise the rights conferred upon mortgagees only with the consent in writing of any and all prior mortgagees first had and obtained, or, in the absence of such consent, only while all moneys, other than original principal, due and payable under any prior mortgage and all taxes on the land are satisfied. In exercising his rights under the amending Act the mortgagee or vendor shall not be deemed to be a mortgagee in possession.

Liquor Control.—C. 31 is the Government Liquor Control Act, 1928, which provides for the repeal of the various liquor enactments in force in Manitoba and consolidates in one statute all the liquor laws of the Province. The Act is divided into ten parts and consists of 300 sections. Part I provides for the appointment of the Government Liquor Control Commission, enumerates the duties, functions and powers of the Commission, provides for the establishing and operating of government liquor stores and empowers the Commission to operate places for the sale of beer by the glass. Part II relates to permits to purchase and have liquor, and Part III to licences to sell liquor. There are 5 classes of licences—beer licences, club licences, druggists' licences, canteen licences and brewers' and distillers' licences. Part IV covers prohibitions and penalties and Part V relates to prosecutions. Under Part VI provision is made for the enforcement of the Act. Part VII relates to liquor appeals, Part VIII to local option, Part IX to hotels and Part X contains general provisions.

Mines and Natural Resources.—C. 42 creates the Department of Mines and Natural Resources, to be presided over by the Minister of Mines and Natural Resources who is appointed by the Lieutenant-Governor in Council.

Old Age Pensions.—Under c. 44 the Lieutenant-Governor in Council may enter into an agreement with the Governor-General in Council as to a general scheme of old age pensions in the Province and for the payment by the Dominion to the Province quarterly of an amount equal to one-half of the net sum paid out during the preceding quarter by the Province for old age pensions. The expenses of administration are to be borne by the Province. Provision is made for a levy to meet the amount estimated to be required for the purposes of the Act. Payment of pensions is made to the persons and under the condition specified in the Dominion Act. The Workmen's Compensation Board is charged with the administration of the Act.

One Day's Rest in Seven.—Subject to certain exceptions, every employee shall be entitled to have at least 24 consecutive hours of rest in every 7 days, which shall, whenever possible, be on a Sunday (c. 45).

Protection of Investors.—C. 46 is the Security Frauds Prevention Act. The Municipal and Public Utility Board may examine any person at any time, in order to ascertain whether any fraudulent act or any offence against this enactment has been, is being or is about to be committed. If it is found, upon investigation, that any fraudulent act has been, is being or is about to be committed, the Board may suspend the licence to sell securities, or, if it considers such suspension inadequate, shall report to the Attorney General, who may apply to the Court of King's Bench, by an *ex parte* motion or an originating notice of motion, for an order enjoining any person or company from trading in any security whatever, or in any specific security, or from committing any specific fraudulent act or series of fraudulent acts.

Seed Grain.—The annual Seed Grain legislation is enacted by c. 60. Rural municipalities may borrow up to $50,000 to spend in distributing seed grain (including potatoes) to farmers in need of same. In the case of unorganized territory, the Lieutenant-Governor in Council may authorize the Minister of Agriculture and Immigration to spend up to $25,000 for the same purposes.

5. NEW BRUNSWICK.

[*Contributed by* M. B. DIXON, ESQ., K.C.]

Acts passed—84; Public—49; Private—35.

Appropriation.—Act No. 1 provides $1,203,724.49 for civil government, and No. 2, $983,695.60 for roads and bridges and public works is provided.

The remainder of the Acts passed at this session are of minor importance and chiefly slight amendments to other Acts.

6. NOVA SCOTIA.

[*Contributed by* F. F. MATHERS, ESQ., K.C., *Deputy Attorney General.*]

Acts passed—188; Public—59; Local—81; Private—48.

Constitution.—C. 1 abolishes the Legislative Council and amends the Constitution of the Province accordingly. Where and in so far as any provision of any statute, Act, enactment, law, Order in Council, rule of court, order, by-law, ordinance, rule or regulation or of any instrument or document heretofore enacted, made or executed, is inconsistent with any provision of this Act, such first-mentioned provision is repealed and annulled.

Power Commission.—C. 3 amends and consolidates the Power Commission Act. The Commission may generate, accumulate, transmit, distribute, supply and utilize electric power and energy in any part of the Province and may do everything incidental thereto or deemed by the Commission to be necessary or expedient therefor.

Teachers' Pensions.—C. 6 provides pensions for Public School Teachers. There shall be a fund which shall consist of contributions thereto by the Province and by reservation of 8 per cent. of provincial aid. Provincial aid is the sum which a teacher is entitled to receive annually from the Provincial Treasury under the provisions of the Education Act, additional to the salary drawn by such teacher from the trustees of the school section. Provision is made for pensions for teachers and also for widows of teachers and for children's pensions where the widow in receipt of pension dies and is survived by a child or children of the deceased pensioner or teacher under the age of sixteen or where the pensioner or teacher being a widower dies leaving such children.

Provision is made for time spent as exchange teacher in any part of the Empire being regarded as service required for pension under the Act.

Long-term Mortgage Credit for Farmers.—C. 11 is an Act to make available an Act of the Parliament of Canada entitled "An Act for the purpose of establishing in Canada a system of long-term Mortgage Credit for Farmers."

Dismissal of Directors of Companies.—C. 12 is an Act providing for the dismissal of directors of companies incorporated under the laws of the Province of Nova Scotia.

In addition to any other provision in that behalf, directors of companies may be removed from office by a three-fourths majority resolution passed at a special meeting of shareholders called for the purpose. Such power of removal may be exercised at any time.

Provincial Electoral Franchise.—Generally speaking, every person (including a woman whether married or unmarried) shall be entitled to be registered upon the list of voters if: (*a*) a British subject; (*b*) of full age of 21 years; (*c*) has resided in Nova Scotia for at least twelve months preceding. This Act (c. 16) was proclaimed on October 18, 1928.

Workmen's Compensation.—C. 42 amends the Workmen's Compensation Act. When a workman is found dead in the underground workings of a coal mine at a place where the workman had a right in the course of his employment to be, it shall be presumed that his death was the result of personal injury by accident arising out of and in the course of his employment, unless there be evidence, of witnesses present at the time of death, which is sufficient to rebut such presumption.

Part III is added to Act.

S. 91 is a provision that every contract entered into in Nova Scotia whereby the relationship of employer and workman as defined by the Act arises, in an industry to which by s. 92 this section is made to apply, shall be deemed to include the following covenant on the part of the employer with the workman:

> Subject to the provisions of s. 91 of the Workmen's Compensation Act the employer, for valuable consideration and as a condition of the workman's consent to perform or of his performing work or services both within and without Nova Scotia, covenants with the workman and his dependents as defined by said Compensation Act, that in the event of an accident happening to such workman, or of his suffering from an industrial disease mentioned in the Schedule in said Act while so employed the workman, or in case of his death his dependents, shall be entitled to compensation upon the same scale, and in like manner and under like circumstances, as would be payable under Part I of said Act if the industry were within the scope of Part I.
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> 92. The foregoing section shall apply to the industry of fishing, and any other industry carried on by means of a fishing vessel or vessel usually employed or intended to be employed in fishing, or partly in fishing and partly in other forms of navigation, and all work incidental thereto, and then only to the work or services performed or to be performed by a workman as an officer or member of the crew of a ship registered in Nova Scotia or operated by an employer residing or having a place of business in Nova Scotia, and for the period that the operations of the vessel are carried on within Nova Scotia or confined to the making of voyages or trips between places in Nova Scotia, New Brunswick, Prince Edward Island or Newfoundland, or to the making of fishing trips or voyages from ports or places in Nova Scotia. Any industry within the scope of s. 91 shall not be within the scope of s. 7.

S. 107 provides that a dependent, unless domiciled in Nova Scotia at the time of the accident causing the death of a workman, shall not be entitled to any compensation under this Part.

Miners' Relief Societies.—C. 49 amends c. 186, Revised Statutes, 1923, "Of Miners' Relief Societies." Where no relief association or fund is established or in operation in connexion with any mine it shall be lawful for a majority of the workmen employed in or in connexion with such mine to authorize the employer to deduct from the wages of each workman the sum of 25 cents per month as a contribution towards a fund to be used for the purpose hereinafter provided.

The employer shall, in such event, contribute an amount equal to deductions made from the wages of workmen.

The Governor in Council may contribute out of the Provincial Treasury such amount as the Governor in Council may determine.

The fund so created, when paid to the Workmen's Compensation Board, shall be used to pay relief money according to the scale set forth in Part I of the Workmen's Compensation Act: (1) to any workman contributing to such fund who, while on his employer's working premises, in his capacity as a workman, or while in the course of his employment away from such working premises, receives personal injury by accident under circumstances which would not entitle him to compensation under Part I of the Workmen's Compensation Act; (2) to the workman's dependents where death results from such injury; (3) where death results from such injury the necessary expenses of the burial of the workman, not exceeding $75.

None of the 59 Public Statutes passed in the year 1928, except those above mentioned, appears to be of any interest with regard to comparative legislation.

7. ONTARIO.

[*Contributed by* JOHN D. FALCONBRIDGE, ESQ., K.C., *Dean, Osgoode Hall Law School, Toronto.*]

Acts passed—115; Public—57; Private—58.

The second session of the seventeenth legislature of Ontario began on February 9, and ended on April 3, 1928. The annual volume contains 379 pages, of which 161 are occupied by public Acts.

Revised Statutes.—The Revised Statutes of Ontario, 1927, already declared by proclamation of the Lieutenant-Governor in Council to be in force as of December 31, 1927, are confirmed (c. 2).

Succession Duty.—In 1925 the Succession Duty Act was amended by the insertion of a provision enabling the Treasurer of Ontario to make reciprocal arrangements with other provinces or countries so as to avoid the imposition of death duties by two or more provinces or countries in respect of the same assets.[1] In 1928 the principal Act, now R.S.O. 1927, c. 26, s. 10, is amended (c. 7) by the addition of the following sub-section:

> (3) The tax imposed by this Act in respect of personal property (except tangible personal property having an actual situs in Ontario) shall not be payable (*a*) if the transferor at the time of his death was a resident of a Province of Canada, or of a State or territory of the United States, or of any foreign country which at the time of his death did not impose a transfer tax, death tax or succession duty of any character in respect of personal property of residents of Ontario (except tangible personal property having an actual situs in such Province, State or territory or foreign country); or (*b*) if the laws of the Province, State or territory or country of residence of the transferor at the time of his death contained a reciprocal exemption provision under which non-residents were exempted from transfer taxes, succession duties or death taxes of every character in respect of personal property (except tangible personal property having an actual situs therein), provided the Province, State, or territory or country of residence of such non-residents allowed a similar exemption to residents of the Province, State, territory or country of residence of such transferor.

Trustee Act.—The range of investments permitted to a trustee is extended (c. 23) so as to include "securities which are first hypothecs upon real estate in the Province of Quebec or first charges upon real estate held in fee simple in any other Province of the Dominion of Canada." Prior to the amendment trustees were limited, as to mortgage investments, to land in Ontario, Manitoba, Saskatchewan, Alberta or British Columbia.

Training of Apprentices.—An Act respecting the Training of Apprentices (c. 25) prescribes a form of contract of apprenticeship and provides that no contract of apprenticeship shall be binding until it is approved by the Inspector of Apprenticeship and by the Provincial Apprenticeship Committee appointed by the Lieutenant-Governor in Council. The Act applies in the first instance to the building trades (including bricklayers, masons, carpenters, painters and decorators, and plasterers) but the Lieutenant-Governor in Council may make the Act applicable to other trades from time to time.

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[1] See *Journal of Comparative Legislation*, Third Series, vol. ix, pt. ii, pp. 62–3.

Prevention of Frauds in connexion with the Sale of Securities.—The Security Frauds Prevention Act (c. 34) is intended to diminish the opportunities formerly available to dishonest promoters and salesmen for the defrauding of the public by the sale of worthless company and other securities. Acts of this kind, familiarly known as "blue sky laws," had already been enacted in Alberta, Saskatchewan, Manitoba and Ontario,[1] although not actually brought into force in Ontario. These Acts were rendered partially ineffective by the decision of the Supreme Court of Canada in *Lukey* v. *Ruthenian Farmers' Elevator Co.*, [1924] S. C. R. 56, and by that of the Privy Council in *Attorney General for Manitoba* v. *Attorney General for Canada*, [1929] A. C. 260, that the legislation was *ultra vires* in so far as it purported to prohibit Dominion companies from selling their own shares within a Province without the consent of a provincial officer or board. In anticipation of the Privy Council decision, the new Ontario Act provides that no person, whether as a salesman of a company or as an individual may trade in any security unless he is registered as a broker or salesman. A partnership or company may be registered as a broker. The application in every case must be accompanied by a bond in the sum of $500, and the registration is subject to any regulations which the Lieutenant-Governor in Council may make. The Act confers upon the Attorney General, or any person designated by him in writing as his representative, very wide powers of investigation and examination in order to ascertain whether any fraudulent act or any offence against the Act or the regulations has been, is being or is about to be committed; and failure to furnish information or give evidence, or the finding of any fraudulent act or offence, may be a ground for suspension of a salesman's or broker's registration or for a court injunction against his trading in any security or for prosecution of an offender. The whole Act is designedly drawn, not as an Act which prevents any company from offering its shares or other securities to the public, but as an Act which prevents any person as salesman or broker from trading in any securities whatever in contravention of the Act. Penalties under the Act are imposed upon the salesman or broker as such.

Information as to Companies.—The Companies Information Act (c. 33) supersedes the former provisions of the Companies Act with regard to prospectus, which were found to be ineffective in some respects. The new Act applies not only to companies incorporated under the law of Ontario, but also to every company having an office or doing business in Ontario. The Act provides that a prospectus shall be filed with the Provincial Secretary, containing such information as may be required by the Lieutenant-Governor in Council, and also provides for a detailed annual return to be made to the Provincial Secretary by every company, in addition to any special returns required by the Provincial Secretary. As to the question of legislative power which the Act may raise, see *Great West Saddlery Co.* v. *The King*, [1921] 1 A. C. 91, at p. 123.

Ontario Research Foundation.—The Research Foundation Act (c. 57) creates a corporation under the name of the Ontario Research Foundation with the object of carrying on scientific research and investigation for the following purposes: (*a*) the improvement and development of manufacturing and other industries by the introduction of advanced methods and processes; (*b*) the discovery and better development of the natural resources of the Province and the discovery and utilization of the by-products of any processes in treating or dealing with the mineral, timber and other resources of the Province; (*c*) the development and improvement of methods in the agricultural industry and the betterment, welfare and progress of farm life; (*d*) the mitigation and abolition of disease in animals or vegetable life and the destruction of insect or parasitic pests; (*e*) generally the carrying out, with the approval or under the direction of the Lieutenant-Governor in Council, of any other research work or investigation which may be deemed expedient.

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[1] See *Journal of Comparative Legislation*, New Series, vol. vii, pt. ii, pp. 55–6; vol. viii, pt. ii, p. 99.

The members of the Foundation, including a chairman who is to have the control and direction of the administration of the Foundation, are to be appointed by the Lieutenant-Governor in Council. Subscriptions, up to $1,000,000, may be received from private individuals, and when this amount is subscribed, the Treasurer of Ontario is authorized to pay to the Foundation the sum of $200,000 in each of five consecutive years if a corresponding amount is paid in by subscribers.

Subject to regulations to be made by, and to the approval of, the Lieutenant-Governor in Council, the Foundation is authorized to expropriate lands and buildings, erect buildings, acquire and install machinery and equipment, and purchase instruments, materials and appliances, etc., for the purposes of the Foundation.

8. PRINCE EDWARD ISLAND.

[*Contributed by* W. E. BENTLEY, ESQ., K.C.]

Acts passed—39; Public—21; Private—18.

Roads.—The need of improvement in public highways has resulted in the enactment of a new Road Act (c. 1). The entire cost of the opening, improvement and maintenance of all rural public roads within the Province is defrayed by the Government out of the public revenues of the Province.

To help defray the expense, taxes levied by other statutes upon automobiles, gasolene, personal property, lands and incomes are supplemented under the Road Act, 1928, by the imposition of special taxes upon horses over 3 years of age, male persons between the ages of 21 and 65, and upon dogs of any age. Provision is made for the appointment of a provincial Highway Superintendent, and of a Highway Engineer for each county. The Province is divided into 25 road divisions. The employment of labour and use of road machinery, the opening of winter roads, appropriation of lands, the opening, closing and maintenance of roads are dealt with by the statute.

By c. 2, authority is given the Government to issue debentures to the amount of $300,000 to be expended in grading and gravelling highways, and by c. 3, the Government is also authorized to borrow upon debentures $100,000 to be expended in the purchase of road machinery, the interest on which is to be secured by the imposition of an additional tax upon the purchasers of gasolene.

Fire Insurance.—In order to collect taxes from fire insurance companies having no branch office or general or recognized agent in the Province, but which insure property within the Province against fire risks, c. 5 enacts that the person who carries fire insurance upon his lands or goods within the Province with any insurance company which has no general or recognized agent in the Province shall be deemed to be the insurance company's agent and liable to pay the tax imposed upon the company.

Gasolene Tax.—By c. 9 it is enacted that every purchaser shall pay a tax at the rate of 5 cents per gallon on all gasolene purchased or delivery of which is received by him. Exemptions are made in the case of farmers, upon gasolene *bona fide* used by them in tractors on farm lands and in the case of other persons, upon gasolene *bona fide* used by them in boats and vessels used for commercial and fishing purposes only. By s. 9 the revenues so collected are to be used in payment of interest and providing a sinking fund upon the purchase of road machinery, and for the establishment and maintenance of a patrol system for the upkeep and repair of improved highways, the surplus, if any, to augment the general revenues of the Province.

Motor Vehicles.—C. 10 is an amendment to the Act respecting the registration and operation of motor vehicles and deals with rates of speed, rules of the road, licences, certificates, changes of title of vehicles and the scale of taxes and fees.

Intoxicating Liquors.—C. 11 amends the Prohibition Act by (s. 1) imposing a penalty of from $200 to $400 upon any person who consumes or drinks any intoxicating liquor obtained for beverage use in violation of the Prohibition Act, by (s. 2) declaring that the landlord is guilty of an offence against the Act who knowingly permits any convicted tenant to remain in possession of the landlord's premises or who fails forthwith to eject such convicted tenant. S. 3 provides for the cancellation of the lease of a tenant who has been convicted of an offence against the Prohibition Act. By s. 7 it is enacted that if refreshment shops for soft drinks and oyster parlours are not opened upon request during the daytime or at such times as such places are usually kept open, such refusal shall be *prima facie* evidence that liquor is kept in such place in violation of the Act. The presumptive effect of the breaking of bottles, emptying or destroying the contents of receptacles during the process of a search under the Act, refusal by the person in charge of a motor vehicle to stop or to permit a search of such vehicle upon request of a Prohibition Officer, the right of search for liquors and the enforcement of penalties as a judgment against the offenders' lands are also dealt with.

Fish and Game Protection.—By c. 16 the statutes regarding the protection of fish and game are revised and consolidated. Close seasons are fixed for partridges, hares, rabbits, martin, otter, mink, raccoons, muskrats and shore and other birds. Offences, licences, special permits, duties of game wardens, limitations in the fishing of salmon, bass and trout are dealt with.

9. QUEBEC.

[*Contributed by the* HON. MR. JUSTICE FABRE SURVEYER.]

Number of Acts passed—160; Public—95; Private—65.

Repatriation of Canadians.—By c. 2, the Cabinet is authorized to set apart, annually, a sum of $50,000 for the repatriation of Canadians who have emigrated or established themselves abroad.

Court of King's Bench Reference.—By c. 7 of the Revised Statutes o. Quebec, 1925, the Cabinet may refer to the Court of Appeal, for hearing and consideration, any question which it deems expedient. The court hears the parties, after proper notice, in the usual way, gives its reasons in support of its opinion, and such opinion, duly certified, together with the dissenting opinions, if any, is sent to the Cabinet. The amendment allows an appeal from such opinion to the Supreme Court of Canada or to His Majesty in his Privy Council. In the former case, application may be made to the Privy Council for leave to appeal from the decision of the Supreme Court.

Succession Duties.—By c. 17, c. 29 of the Revised Statutes of Quebec, 1925, is amended.

The exemption of the amount of $15,000 in value, established when the deceased leaves more than 5 children living or represented, is increased by $1,000 in value per child after the fifth child.

The ownership or enjoyment of any property shall be held to be transmitted owing to death whenever the disposition has taken effect more than 5 years before the death of the person who has made it and whenever such person has reserved to himself, in whole or in part, the control, administration, ownership or enjoyment of such property or part thereof, until his death or until a period after his death. Gifts of chattels locally situated outside of the Province are treated likewise.

Every gift in trust shall be declared by the trustee within 60 days of his learning of the death of the constituent of the trust, by notice to the collector of provincial revenue at Montreal or the collector of succession duties at Quebec, as the case may be, coupled with a certified copy of the deed of trust. Default to comply with this provision subjects the trustee to a fine.

No revenue officer shall give any information, or furnish any document, save upon an order of the court, except to state that a will or declaration has been received or not, and whether a property is included or not in a declaration.

Beneficiaries Seizin.—By c. 19, no heir, domiciled or resident outside of the Province, to whom property is transmitted by the death of any person domiciled in the Province, may effect a transfer of such property unless he has previously had himself put in possession in conformity with c. 30 of the Revised Statutes of 1925. No executor, trustee, administrator, curator or legatee may effect a transfer or the payment of the legacies until the Act has been complied with.

Farm Loans.—C. 30 provides for the appointment of a provincial board to act in conjunction with the board established under the Canadian Farm Loan Act (Revised Statutes of Canada, 1927, c. 66). The Cabinet is authorized to subscribe to the capital stock of the Dominion Board to the extent of 5% of the total loans outstanding at any time in the Province, effected under the Canadian Farm Loan Act. Subject to the approval of the Dominion Board, the loans in the Province are to be made directly to farmers or through co-operative societies or colonization societies mentioned on a list supplied by the Cabinet to the provincial board. Farm loan bonds are a legal investment of trust funds within the Province.

Mining.—By c. 32, the water powers capable of supplying 150 horsepower or over, comprised within the territory of a mining concession, are reserved to the Crown. The Crown has full power to remove, from the mining concessions and lands under mining licence, the sand, stone and gravel which it may need for the construction or repair of its roads.

Whenever a claim has been admitted, or a mining licence issued, through fraud or false representations, it may, at any time, be cancelled by the Minister of Colonization, Mines and Fisheries, or by the Mining Commissioner at the request of the Minister or any other interested party. When the cancellation has been effected by the Minister, any interested party may appeal to the Superior Court within 30 days from the decision, by means of a mere petition served upon the Minister and upon the other interested parties. The judgment on such petition is final and without appeal.

Any land which has formed the object of a claim or of a mining licence which has been allowed to lapse or has been abandoned can only be restaked after a delay of 15 days from the abandonment or expiration of the licence, but cannot be restaked by the same person nor on behalf of the same person, firm or company which previously held it. If, however, such land remains free for 30 days from the date of the abandonment or expiration of the claim or licence, it may, after such delay, be again taken by or on behalf of the former holder.

When adjacent lands are partly under mining concession and partly under mining licence in the name of the same person, firm or company, and may be considered as one and the same enterprise, the Minister may permit all the work necessary for the renewing of the licence to be done on the lands covered by the mining concession. When the licensee has omitted renewing his licence within one year from the date of its issue, the Minister may, nevertheless, grant the renewal of such licence, provided, however, that its renewal shall be applied for, in the form prescribed by the Act, within 25 days from its expiration.

Game Laws.—By c. 33, the skins of fur-bearing animals killed or taken in the Province may not be exported from the Province without being accompanied by an export permit, prepared on a form adopted by the Minister of Colonization signed by a duly authorized officer of the department and attached to the bill of lading.

The Minister may grant a licence to any person who, during the close season, wishes to keep any living animals protected by the Act, except insectivorous and other birds beneficial to agriculture, and enumerated in the Act.

Fish Sales.—By c. 34, the Cabinet may enact, amend or repeal regulations to forbid the sale, purchase or possession, for the purpose of selling, of any kind of fish mentioned in such regulations throughout the Province or in such part thereof and for such period as it may determine. Infringers are liable to fines and confiscation of the fish found in their possession.

Roads.—By c. 35, the Minister of Roads may acquire any land which he may require to build a new highway or to rebuild an old one or to do the work which he has decided upon for the purpose of widening or straightening a road maintained by him. If a voluntary sale cannot be effected through the parties failing to agree, all questions arising shall be settled according to the provisions of the Quebec Railway Act and the amendments thereto. The judge may, in granting immediate possession of the land needed, accept, in lieu of security, a certificate from the Provincial Treasurer, stating that the latter holds at the disposal of the court the amount determined upon. Any member of the Quebec

Public Service Commission may, at the request of the Minister of Roads, after having given the owner of the land at least 15 days' notice, authorize a designated person to go on the land and fell the tree or cut the branches thereof, as the case may be, when the trunk or branches interfere with the traffic on a public road, or when their bad condition gives reason to fear that they may fall on the public road. The order fixes at the same time the compensation, if any, payable to the owner. When a tree or a branch of a tree is blown over on to a road or is broken or threatens to fall on the road, anyone appointed to look after the maintenance of the road may cut and remove it.

Cities and Towns.—The Act renders incapable of being nominated or elected mayor or alderman, or of holding any municipal office, any person, among others, convicted of treason or of any criminal offence punishable by imprisonment for at least 2 years. C. 37 adds that such disqualification shall continue for 5 years after the term of imprisonment fixed by the sentence, and if only a fine was imposed or the sentence is suspended, for 5 years from the date of such condemnation.

If, on the trial of a petition to quash a by-law, any person be found, by the judgment of the court or judge, to have, at the time of the proceedings for the approval of a by-law by the electors, aided, influenced, incited or participated in the commission of any offence described in the Act as corrupt practices, or of personation, he shall, if found guilty, be liable to a fine and imprisonment.

Public Building Municipal Regulation.—By c. 41, every city or town may appoint commissions and sub-commissions for the better supervision of the construction, interior arrangement and operation of public buildings within its limits. It may also enact special regulations in order to secure better policing, keeping of order and supervision of its public buildings.

Scholastic Merit.—By c. 46, which is added to the Revised Statutes of 1925 as c. 133A, the Order of Scholastic Merit of the Province of Quebec is instituted for the purpose of encouraging teachers by honours and rewards, and to acknowledge services rendered to education. Decorations and diplomas may be awarded to all religious and lay officers of primary education who are under the control of the school commissioners or trustees, as well as to the teachers of independent schools, school inspectors, and principals or professors of the normal schools of the Province. Five members of the Committee of Education (Catholic or Protestant as the case may be) award decorations and diplomas. The Superintendent of Education is *ex officio* a member of both these boards.

Technical or Professional Schools.—The Cabinet may organize arts and trade schools in any school municipality, whenever it deems necessary, to assist in the development of primary technical education, and may appoint a council of improvement, consisting of the Provincial Secretary, the Director-General of Technical Education, the director of the School of Fine Arts in Montreal, the Superintendent of Education and three other members, all appointed for 3 years. Their office is without emolument.

Magistrate's Privilege.—By c. 58, before bringing an action in damages against a justice of the peace by reason of any act committed by him in the execution of his duties, and before presenting a petition to obtain a writ of certiorari on prohibition, the plaintiff must deposit, at the office of the court, a sum of $50 to guarantee the costs which may result from such proceedings. During the suit, on motion of the defendant, the judge or court may order the plaintiff to produce an additional deposit whereof he shall fix the amount. The suit is then suspended until the deposit is made. No costs shall be adjudicated against any justice of the peace in any suit on a writ of certiorari or prohibition unless, on proof of the bad faith of the justice of the peace, the court otherwise orders.

Moving Pictures.—By c. 60, no child of less than 16 years, whether accompanied or not, shall be received in a cinema, except if the performance is given in an educational institution. The Cabinet may establish a system of censorship of posters, sign-boards, or other methods of announcing a theatrical, pictorial or moving picture performance.

Lightning Rods.—By c. 63, every person who sells or offers for sale, installs or offers to install lightning rods must previously obtain a licence, issued by the Board of Examining Electricians, renewable from year to year, and granted (except for agents) only upon furnishing security for an amount of $5,000, as guarantee for the payment of damages for defective installations and of every sum that such person may owe under the Act. If an inspector or any person duly authorized under a regulation discovers that a lightning rod installation is defective, he may send notice in writing addressed, by mail, to the person who made the installation, to remove, alter or make over same, in default of which the Board may order such removal or alteration at the expense of the person in default.

Public Health.—It is now the duty of every municipality of 5,000 souls or more, which does not form part of a county health unit (erected by c. 69), to provide for the organization and maintenance of a health service directed by a physician entitled to practise in the Province, who is appointed by the Cabinet on the recommendation of the municipal council or councils, as the case may be. If the municipality fails to make such appointment, the Cabinet may make it, fix the physician's salary, after a notice of three months to the municipality liable for such salary. A medical health officer may only be removed by the Cabinet on a vote of two-thirds of the municipal council or councils as the case may be.

No milk or cream may be sold as pasteurized milk or cream unless it has been heated to a temperature of at least 145° Fahrenheit for a period of at least thirty minutes, and immediately chilled to a temperature of 50° Fahrenheit and kept at that temperature until delivery. Every infringement of this provision shall render the person found guilty thereof liable to a fine not exceeding $50.

Provisions are made for the installation, demolition, improvement and inspection of plants for the pasteurization of milk and cream.

Forest Engineers.—By c. 70, no person may take the title of forest engineer, or use any name, title or designation which may cause him to be taken for such, unless he be or become a member of the Association of Forest Engineers of the Province of Quebec (Revised Statutes, 1925, c. 221).

Seigniories.—By c. 76, assignments of constituted rents representing seigniorial dues are notified to the debtors by the publication thereof in the *Quebec Official Gazette* and the deposit of a copy of such gazette in the proper registry office.

By c. 77, the creditor of seigniorial rights must transmit to the Quebec Statistical Bureau, before November 1 of each year, a statement of the amount representing the capital of his rights or rents, and a notice of the redemption thereof. Failure to comply with the Act entails liability to a fine.

Workmen's Compensation.—The Act, as revised by cc. 79 and 80, applies to accidents happening in the course of their work to practically all workmen, other than those who usually work alone or with members of their family, or in agricultural industries, in domestic service, or in navigation by means of sails, even when the vessel is equipped with an auxiliary motor. The employer of less than seven workmen is not subject to the Act, unless he files with the Commission a declaration to that effect.

Workmen, employees and apprentices, domiciled in the Province, who are engaged therein to go and work outside its territory are not entitled to benefit under the provisions of the Act by reason of accidents happening outside the Province, except when the law of the place where the accident occurred grants them no indemnity.

Indemnities are payable by way of rents, according to a fixed scale. The employer is, moreover, liable for all medical, surgical, pharmaceutical and hospital charges according to a tariff approved by the Cabinet, as well as to charges of transporting the injured person to the nearest hospital, for prosthetic and orthopedic appliances during twelve months, and, in case of death, for the funeral expenses exceeding in no case $125. The injured person may be bound, not oftener than once a month, if required in writing by the employer, to submit to an examination of a physician chosen and paid by the latter, under pain of losing his compensation. The debtor may pay the capital of the rents to an approved insurance company, which undertakes the payments. The compensation is payable by the head of the industry and the immediate employer of the victim; whoever pays it may recover it from the party responsible. The injured person or his representatives may recover at common law from the author of the accident. Employers are bound to insure against accidents to their employees. Agreements contrary to the Act are null. Applications for compensation must be made within twelve months from the date of the accident.

The awards are fixed by a Commission appointed for this purpose, which may sit anywhere in the Province, and has the same powers as the Superior Court, but without appeal. Upon the depositing, at the office of the clerk of the Superior Court of the district in which the employer is domiciled, of an authentic copy of an award of the Commission, the court may, on the petition of the Commission or of any interested party, homologate the award, which shall become executory in the same way as any judgment.

Registers of Civil Status.—By c. 82, they are kept, in the case of Roman Catholic and Anglican churches, chapels or missions, by any priest authorized by competent ecclesiastical authority to perform marriages, baptisms or burials, and in the case of the United Church of Canada, by any minister or pastor authorized by the President of the Conference.

Incapable Persons.—By c. 84, whenever an incapable person domiciled outside of the Province possesses property or has rights to be exercised in the Province and the law of his domicile does not provide for the appointment of a representative to act with respect to his property or his rights, a curator to his property may be appointed for him to represent him in all cases where a tutor or a curator may represent a minor or an incapable person under the laws of this Province. The appointment shall be made in the district wherein the property or rights of the incapable person is or are wholly or in part situated, with the formalities and according to the rules prescribed for the appointment of tutors or curators to minors or to incapable persons domiciled in the Province.

10. SASKATCHEWAN.

[*Contributed by* J. P. Runciman, Esq., *Legislative Counsel.*]

Acts passed: Public—85; Private—9.

Legislative Assembly.—An amendment (No. 4) to the Legislative Assembly Act increases the sessional indemnity of members of the Legislature from $1,800 to $2,000.

Labour and Industries.—In view of its increasing importance, the Bureau of Labour and Industries has been exalted, by No. 11, to the rank of a department and combined with the Department of Railways, the name of the new department being the Department of Railways Labour and Industries. The powers of the minister have been extended in one important connexion, *i.e.*, he has now authority, subject to the approval of the Lieutenant-Governor in Council, to "manufacture, distribute and supply electrical power and energy." The authority newly conferred is anticipatory of a possible governmental power policy arising out of investigations which have been proceeding for some time.

Succession Duties.—By No. 13 the definition of "child" has been extended to include a person lawfully adopted while under the age of twelve years, and by another amendment the exemption from duty, in the case of an estate passing to the father, mother, husband, wife, child, daughter-in-law or son-in-law of a deceased person, when these relatives are domiciled in Saskatchewan, is increased from $10,000 to $15,000.

Gasolene Tax.—This is a new tax. By No. 17 every person purchasing or receiving delivery in Saskatchewan of gasolene for his own use must now pay a tax of three cents per gallon.

King's Bench.—It is provided by No. 18 that notwithstanding any agreement to the contrary, or any provision in a mortgage or incumbrance of land or an agreement for the sale of land, all actions for foreclosure or sale under a mortgage or incumbrance or for enforcement of a vendor's lien, specific performance, determination, cancellation or rescission of a contract, must now be entered, and unless otherwise ordered by the local master continued and tried in the judicial district in which the land or any part thereof lies.

Another important amendment provides that where, upon examination of a judgment debtor, it appears to the judge that the debtor is in a position to pay the whole or a part of the judgment debt, he may make an order requiring the debtor to pay within a limited time or in instalments of such amounts and at such times as appears reasonable. If the debtor fails to obey the order and does not show good reason therefor, he may be committed to jail for a term not exceeding twelve months or until he complies with the order.

District Courts.—An amending Act (No. 19) introduces new procedure, by way of a judgment summons, for enforcing payment of a judgment debt. A judgment debtor may be summoned to answer on oath as to the property or means he had when he incurred the debt or liability which was the subject of the action in which judgment against him was obtained, the property or means he has of discharging the judgment, the disposition he has made of any property since contracting the debt, and what debts are owing to him ; and the judge may, upon hearing the evidence, order payment of the whole of the debt or damages recovered and all costs, forthwith or by instalments or in any manner he deemed reasonable and just. If the debtor fails to comply with the order, he may be committed to jail for any period not exceeding forty days, with or without hard labour.

Evidence. — By No. 21 a new provision has been inserted in the Saskatchewan Evidence Act by which the courts of the province and every judge and official thereof are empowered to take judicial notice of the laws of any province or territory of Canada, or of the laws of Great Britain and Ireland ; and for the purpose of ascertaining the same, such court, judge or officer may refer to any books of statutes, reports of cases and works upon legal subjects as it or he may deem authentic, or may require evidence upon oath, declaration or affirmation, oral or written, or by certificate or otherwise, as may seem proper.

Devolution of Real Property. Intestate Succession.—Nos. 27 and 28 are, more or less, companion Acts, prepared by the Conference of Commissioners on Uniformity of Legislation in Canada. They do not substantially change the law in Saskatchewan, but they make some minor alterations. Under the Devolution of Estates Act, replaced by the Acts under review, real property descended in the first place to the personal representative and was administered, with few exceptions, in the same manner and subject to the same rules as personal property. This principle has been continued in the new legislation.

Town Planning.—No. 45 is a consolidation and revision of existing legislation, but the revision is so extensive as to constitute virtually a new Act. The compulsory features of the old Act have been discarded, the new measure being largely of a permissive character ; and provisions have been introduced which bring the new Act more into conformity with present-day conditions and municipal practice.

Secondary Education.—By No. 47 amendments to the Secondary Education Act provide for the establishment of winter high schools. Three or more contiguous rural, rural and village or rural and town districts may be created a winter high school district if one of the school districts is prepared to lease proper accommodation for the purpose. There are two terms, the first commencing on October 15 and ending on December 22, and the second commencing on January 2 and ending on April 30. Each municipality affected contributes to the maintenance of the school, and the school district is empowered to charge fees for the attendance of pupils.

Schools.—The establishment of community schools is authorized by amendments (No. 48) to the School Act. Three or more adjacent rural school districts, the schools of which are closed from December 22 to March 15, may co-operate to maintain one or more community schools. The municipalities concerned are responsible for the maintenance of these schools, which also receive grants from the provincial exchequer. Other amendments empower the board of trustees of a school district to establish special classes for children who, from any physical or mental cause, are unable to take proper advantage of the regular public school courses of study, and to provide medical and dental treatment for children of school age of indigent parents resident in the district.

Education of Deaf and Blind Persons.—Act No. 53, which is new, anticipates the time when the province will itself establish an institution for the education of its own deaf and blind. The principle of compulsory education will apply. The Act requires that every deaf and blind child between the ages of 7 and 16 years, if certified physically and mentally fit to profit by such instructions, shall attend school for such periods as the Minister of Education may in each case determine, and the minister is empowered to admit children under 7 and over 16. Provision is also made for the training of teachers.

Co-operative Associations. — The Agricultural Co-operative Associations Act has, by No. 54, been revised and consolidated, and extended in scope by the deletion of the word "agricultural" throughout, this change being made in order to facilitate the organization of co-operative associations in urban centres. A new section prohibits the use of the word "co-operative" by unauthorized persons.

Agricultural Representatives. — Under this new Act (No. 61) the Lieutenant-Governor in Council is empowered to appoint one or more agricultural representatives and such other officials as are required to maintain an agricultural representative service. Any four or more contiguous rural municipalities may co-operate in establishing an agricultural representative district. Provision is made for the appointment of a district board, and the Minister of Agriculture is authorized to provide the services of an agricultural representative for the district.

Horticultural Societies.—Act No. 62, which is also a new measure, sets forth the manner in which these societies may be organized, prescribes their objects and limits their expenditures. Reports are transmitted annually to the Minister of Agriculture showing the activities of the society and the amount of legislative grant earned. Hitherto grants have been made under the provisions of the Agricultural Societies Act. The object of these societies is to encourage improvement in horticulture.

Public Health.—By No. 71 amendments to the Public Health Act confer power upon the Minister of Public Health, subject to the approval of the municipalities concerned, to prepare a scheme for the organization of "full-time health districts" comprising not less than eight rural municipalities, and provision is also made for the appointment of a duly qualified medical practitioner, one or more sanitary inspectors, one or more trained nurses and a secretary for each district. One-half of the cost is to be borne by the co-operating municipalities.

Vehicles.—The Vehicles Act has been amended by No. 73 with a view to decreasing the alarming number of motor accidents at level crossings. New sections provide that drivers of motor vehicles must stop where any signal device indicates the approach of a train and that, on approaching a railway crossing where an official stop sign indicating danger is erected, they must bring their vehicles to a stop, whether or not a train can be seen or heard approaching the crossing, until satisfied that it is safe to proceed. An amendment to the Highways Act empowers the Minister of Highways to designate what are "dangerous crossings" on provincial highways and to erect official stop signs at these crossings.

Another amendment to the Vehicles Act throws upon the owner of a motor vehicle the liability for violation of any of the provisions of the Act in connexion with the operation of his motor vehicle, unless he proves to the satisfaction of the justice of the peace or police magistrate trying the case that at the time of the offence the motor vehicle was not being driven by him, nor by any other person with his consent, express or implied; and further, when any loss or damage is sustained by any person by reason of a motor vehicle in motion, the onus of proof, that the loss or damage did not arise through the negligence or improper conduct of the owner or driver, is placed upon the owner or driver; but this provision does not apply to the case of a collision between motor vehicles.

Public Vehicles.—This new Act (No. 74) regulates the operation upon the public highways of motor freight vehicles and passenger buses, but does not apply to vehicles running only on rails, nor to motor vehicles operated solely within cities, towns and villages. Licences must be obtained and permits may be granted conferring the exclusive right to operate a public vehicle on any specified public highway. Drivers must also be licensed. The length of their working day is restricted and they are prohibited from smoking at the wheel, when passengers are being carried, and from using intoxicating liquor while on duty. Owners of public vehicles are required to take out and keep in force an insurance policy or bond of indemnity in respect of injury to persons or damage to property resulting from the operation of the vehicles.

Old Age Pensions.—The Old Age Pension Act (No. 75), another new measure, authorizes the Lieutenant-Governor in Council to enter into an agreement with the Governor-General in Council as to a general scheme of old age pensions in the province pursuant to the provisions of any Act of the Dominion and regulations thereunder, and for payment by the Dominion to the province quarterly of an amount equal to one-half of the net sum paid out during the preceding quarter by the province. The Dominion legislation provides that a pension shall be paid to every person who, at the date of the proposed commencement of the pension: (*a*) is a British subject; (*b*) has attained the age of 70 years; (*c*) has resided in Canada for the twenty years immediately preceding the said date; (*d*) has resided in the province in which the application for pension is made for the five years immediately preceding the said date; (*e*) is not an Indian; (*f*) is not in receipt of an income of as much as $365 a year; and (*g*) has not made any voluntary assignment or transfer of property for the purpose of qualifying for a pension. The maximum pension payable is $240 yearly, less the amount of the income of the pensioner in excess of $125 a year.

Collection Agents.—The Collection Agents Act (No. 77), which is also new legislation, is designed to afford some measure of protection to creditors who place accounts for collection in the hands of agencies whose chief place of business is outside Saskatchewan. A collection agent is defined as a person who, by himself, his agent or representative, collects debts for others, as his principal business. Every collection agent, whose chief place of business is outside Saskatchewan, must be licensed and furnish a bond for $2,000, and provision is made for enforcing the bond in the event of a collection agent failing to pay over any amount collected by him.

Revision of the Statutes.—The Revised Statutes Act authorizes the appointment of two or more commissioners to revise and consolidate the statutes. The work is undertaken every ten years. The new edition will probably be published early in 1931.

11. NEWFOUNDLAND.

[*Contributed by* BRIAN DUNFIELD, ESQ., *Acting Deputy Minister of Justice.*]

Optometry.—C. 2 constitutes a Board of five practising optometrists to control the practice of optometry in the Colony. The Board is to be appointed by the Governor in Council every three years. It has power to hold examinations, grant certificates, register practitioners and collect certain fees. Persons resident in this Colony holding a diploma from a recognized institution and who shall have practised in the Colony for three years before the passing of the Act are admitted to practise without examination. A register of persons practising optometry is to be kept and published annually in the *Newfoundland Gazette.* The Board may, after due hearing, revoke the certificate of an optometrist shown to have been guilty of illegal practices, incompetency, inebriety, fraud or misrepresentation. A certificate may be restored by the Board not less than ninety days after revocation.

Any person practising optometry or describing himself as an optometrist or optician or the like without having a certificate or who tests eyes or adapts lenses to the eye or sells or fits or supplies glasses by going from house to house or from place to place or operates from any but a fixed place of business is liable to fine or imprisonment. Spectacles or eyeglasses may be sold as merchandise in a fixed shop or store, provided that the proprietor or keeper does not test eyes or profess any skill or competency if he is an uncertified person. An uncertified person may not recover any charges or the price of any glasses.

A certified person convicted of an indictable offence involving moral turpitude may be struck off the register. A person may also be struck off on conviction by the Board of using unprofessional means to acquire, extend or retain practice, and shall remain struck off for at least three years.

A person duly registered in Great Britain, Canada or the United States of America, where the requirements for registration are deemed by the Board to be the equivalent of the requirements of the Board, may be registered without examination, provided reciprocal privileges are granted by his country of registration. The Act does not apply to legally qualified medical practitioners.

Crown Lands, Timber, Mines and Minerals.—The first eleven sections of c. 5 deal with the subject of miners' licences. Hereafter mineral may not be staked or a discovery location applied for save by a person holding a miner's licence on behalf of himself or of some person or some company incorporated under the laws of Newfoundland holding such a licence. The fee for a licence is $5, and the licence is good up to December 31 in the current year. A person staking must place on the stake the number of his licence, and the number of the licence of the other licensee if any on behalf of whom he stakes. A register of licences is to be kept, which is to be open to public inspection. Certain temporary licences issued prior to the passing of the Act are validated for the present year. The Minister of Agriculture and Mines may revoke the licence of a person guilty of wilful contravention of the Crown Lands Acts, and a licence shall not thereafter be issued to such licensee without the authority of the Governor in Council. The licence must be carried on the person, and produced on demand to any fire warden, constable, official of the Department of Agriculture and Mines, or other authorized person; and the licensee must answer questions as to his movements and intended movements. The purpose of this provision is to assist in the prevention of forest fires. Any court or magistrate convicting a licensee of an offence against the Forest Fires Act is to take up and cancel the licence, and the licensee may not have a new licence save by permission of the Governor in Council. Any person prospecting for minerals without being the holder of a licence is subject to a fine of $100.

Ss. 12 to 14 inclusive reduce the size of a mining location from a parallelogram of one mile by half a mile or three hundred and twenty acres to a square of one hundred and sixty acres. Not more than nineteen locations may be laid off by the Minister around a single discovery location, whereas hitherto the Minister might lay out as many as he saw fit.

S. 15 clears up doubt arising out of the former Acts as to the manner in which such surveys should be made for the purpose of converting licences into leases. It is now clear that a person holding a number of contiguous locations can comply with the law by a survey of the external boundaries of the whole area so held. It is also made clear that a person holding such an area under lease may surrender locations out of such area and have a substituted lease for the remainder.

S. 16 provides that existing locations of three hundred and twenty acres each being Crown land shall be divided by the Minister into locations of one hundred and sixty acres each.

S. 17 provides that the expenditure of $6,000 heretofore required in order to obtain a grant in fee simple of a location of three hundred and twenty acres shall hereafter be required to be expended upon a location of one hundred and sixty acres, and provides also for the allowing of expenditure for drilling or for geophysical exploration as expenditure towards a fee simple, whereas the former Act provided only for expenditure in excavation. The section further provides that expenditure on works adapted to the development of a block of submarine locations may, for the purpose of a grant in fee simple, be with the permission of the Governor in Council attributed to all the said locations or such of them as the holder may select. Under the previous legislation it had been held that expenditure to be so allowed must be actually within the boundaries of the location. The section also provides that where a person is the holder of a number of contiguous locations on land and can prove to the Minister that he has expended any given sum upon a search for minerals over the area by any recognized geophysical method or by drilling the whole of such expenditure may be attributed for the purpose of obtaining fee simple grants to any one or more of the said contiguous locations which the holder may select.

S. 18 defines geophysical exploration as any method of exploration whereby the presence or probable presence of ore is ascertained by the use of electrical, gravitational, vibrational or other means involving the detection of physical reactions by means of instruments used on or near the surface, as opposed to methods involving excavation or drilling.

S. 19 preserves all rights of the holder of any licence or lease held before the passing of this Act.

Gathering of Wild Fruits.—C. 6 is to regulate the dates upon which the picking of wild berries may be commenced in order to prevent the practice of beginning picking before the berries are properly ripe, with consequent detriment to the quality of the export; and, also to provide for the maintenance of the quality of the berries exported. The Minister of Agriculture and Mines is to ascertain and announce a date on which each kind of berry will be well ripened in each electoral district, and picking before such date is prohibited. The Governor in Council may make regulations for the export of berries, covering the manner of packing, the classes or grades, the manner of marking packages and the inspection of berries. The picking of berries for the domestic use of the picker and of his or her family is excluded from the operation of the Act.

C. 204 of the Consolidated Statutes, 1916, which dealt with the subject of partridge berries, is repealed.

Certificates of Masters and Mates.—C. 7 amends the law relating to certificates to masters and mates, mainly with a view to granting home trade or coasting certificates. The law hitherto has provided for foreign-going certificates only. Persons on May 1, 1928, already one year in the coasting service as master or mate, are granted certificates without examination. S. 6 provides that no steamer or motor ship over twenty-five tons gross tonnage shall hereafter carry passengers as a public or common carrier from port to port in Newfoundland or its Dependencies, or being a British ship registered in Newfoundland, within the following limits: any place on the coast of North America between Greenland or Baffin Land to the northward and Cape Breton to the southward and to the coast between Cape Breton Island and Cape Cod provided the vessel sails coastwise, unless the master and first mate or only mate hold certificates of competency for home trade passenger ships or certificates of a higher grade issued in Newfoundland or by the Board of Trade in the United Kingdom or in any British possession, whose certificates are declared by order of His Majesty in Council under the Merchant Shipping Act, 1894, or any like Act of the United Kingdom, to be of the same force as certificates granted in the United Kingdom. A person sailing as master or mate without a certificate or employing as master or mate a person without a certificate is liable to a penalty of not less than $100 nor more than $500. This section is to come into effect on May 1, 1930.

The requirements as to certificates do not apply to sailing vessels conveying persons between places in Newfoundland and places in Labrador. This is intended to provide for the movement of fishermen in their own vessels to the Labrador fishery, which takes place every spring.

The whole Act is to be read with c. 169 of the Consolidated Statutes, 1916, entitled "Of Certificates of Masters and Mates."

Highway Traffic.—C. 13 makes a number of minor amendments and additions to the Highway Traffic Act, 1925. Under s. 1 a parked vehicle is deemed to be in the traffic and subject to traffic regulations. S. 5 is designed to compel transportation or steamship companies to furnish the Customs with evidence of the identity of cars exported in order to assist the Customs in tracing cars temporarily operated in the Colony under tourist licences. S. 6 is intended to compel cars to show at least dimmed headlights after nightfall. Under previous legislation the showing of small side lights of less than four-candle power was a compliance with the law regarding headlights. A motor vehicle may not be parked on a highway during the night unless a competent operator is at hand to remove it on demand of the Police or Fire Department. Medical practitioners, however, are permitted to leave cars at night outside their surgeries or residences. By s. 7 the speed limit in St. John's is reduced from twenty to fifteen miles per hour. Under s. 9 the Minister of Public Works or the Highroads Commission may close a part of a highway at any time to any particular type of traffic to prevent injury to the surface of the highway. S. 11 gives a car travelling on a highroad right of way over a car on an intersecting road which is not a highroad. Cars at night must dim headlights on the approach of vehicles of the Fire Department. S. 12 amends the law as regards vehicles passing tramcars which are stationary to take on or discharge passengers. Under s. 14 the period of limitation for prosecutions of Highway offences is extended from ten days to three months.

Revenue.—C. 19 amends the Revenue Act of 1925. It is now provided that it shall be lawful for the Governor in Council to extend to any country within the British Empire any preferential Customs Tariff treatment which may be accorded or granted by Treaty or otherwise to any foreign country. Two items in the tariff are amended.

12. BERMUDA.

Acts passed—45.

Dangerous Drugs.—No. 5 regulates the importation, exportation, manufacture, sale and use of opium and other dangerous drugs, and gives effect to the provisions of the Geneva Convention.

Aliens.—No. 12 amends the Alien Act, 1926, and provides that on foreign naturalization forfeiture of British naturalization shall ensue.

Lepers.—Act No. 19 provides for the establishment of leper asylums and the appointment of officers by the Governor in Council ; the notification and examination of lepers, and gives power to the Governor in Council to make rules for the management and discipline of asylums.

Evidence.—No. 21 amends the Evidence Act, 1905, and provides that the evidence of a child may be received though not given upon oath.

Parliamentary Elections.—No. 22 consolidates and amends the Acts relating to parliamentary elections.

Pilotage.—The Pilot Act, No. 23, brings the pilotage service more under the control of the Government of these Islands than it now is, and provides for the payment of pilotage dues into the Public Treasury.

Pharmacists.—No. 25 provides for the better regulation of the practice of pharmacy, and for the registration of pharmacists.

Immigration.—No. 33 provides for the repayment to the Government of amounts expended for the pauper and repatriation charges of persons brought into these Islands by persons resident in, or ships calling at, these Islands, and protects the interests of persons importing labour into the Islands.

Coroners.—Act No. 38 consolidates and amends the laws and regulates the office and functions of coroners.

III. COMMONWEALTH OF AUSTRALIA.

[*Contributed by* Sir Robert Garran, K.C.M.G.]

Public Acts passed—48.

The most important measures dealt with in 1928 are of a financial character. The Financial Agreement Act provides a permanent basis for financial compensation to the States by the Commonwealth for the loss of duties of Customs and Excise. The solution of this problem has perplexed the various governments since the inception of the Commonwealth. Next in importance comes industrial legislation. The remaining legislation is mainly of an amending character. The policy of making grants for the encouragement of trade and commerce is continued.

Bankruptcy.—No. 39 is a short Act extending, in respect of gas and water supply undertakings, the protection afforded in the case of suppliers of electricity. It is provided also that, where jurisdiction in bankruptcy is conferred upon a State court, the jurisdiction shall be exercisable by any judge of that court. Previously, power to exercise such jurisdiction was conferred on specific judges by proclamation by the Governor-General.

Bounties.—The Wine Export Bounty Act (No. 12) reduces the bounty on wine from 1*s*. 9*d*. to 1*s*. per gallon. The reduction is consequent upon the favourable alteration of the British preference.

The reduction does not apply to existing contracts or to shipments of wine to Canada.

Defence.—The Defence Equipment Act (No. 6) appropriates the sum of £200,000 for civil aviation purposes. Other appropriations are to meet commitments arising under the existing naval and military defence programme.

Dried Fruits.—The Dried Fruits Act (No. 11) prohibits, except under licence, the export or inter-state delivery of currants, sultanas and lexias which are dried or partly dried. The object of this Act is the protection of the growers of these products by regulating the supply to home and foreign markets and so ensuring a reasonable profit to the growers who in many cases have been established in the industry by assistance from the Commonwealth.

Electoral.—The Commonwealth Electoral Act (No. 17) gives effect to certain recommendations made after an inquiry into electoral law and procedure.

The principal alterations are the enlargement of the right of postal voting and the fixing of 10*s*. as a minimum penalty for failure of an elector to vote.

S. 83, as re-enacted, provides that, where a candidate dies after the declaration of nominations for election to the House of Representatives, the election shall be void.

The requirement that political articles published after the date of issue and before the return of any writ for the election of a member of the Senate or of the House of Representatives shall be signed by the writer has been modified and no longer applies to leading articles and reports of meetings.

The Referendum (Constitution Alteration) Act (No. 42) provides that, where a referendum is held at the same time as a general election for the House of Representatives and an election for the Senate, the provisions of s. 6A of the principal Act (which relate to the distribution to the electors of pamphlets containing arguments for and against the proposed alterations in the Constitution) shall not apply.

The method of marking ballot papers is changed. Previously an elector indicated his choice by marking a cross on the ballot paper. The use of the figures 1 and 2 is prescribed as the method of indicating approval or disapproval.

Finance.—The Financial Agreement Act (No. 5) approves of an agreement made at a conference of Commonwealth and State Ministers which provides for a permanent settlement of the financial relations of the Commonwealth and the States.

Part I of the Agreement establishes a Loan Council and provides that the Commonwealth and each State will from time to time submit to the Loan Council a programme setting forth for each financial year its loan requirements other than for the conversion, renewal and redemption of existing loans or for temporary purposes and, in the case of the Commonwealth, defence purposes.

If the Loan Council decides that the total amount so required for any year cannot be borrowed on reasonable terms, it shall decide the amount to be borrowed for the year, and this amount is to be allocated in a prescribed manner among the Commonwealth and the States.

Under this Part each State has certain limited borrowing powers for its own purposes. Otherwise, the Commonwealth will arrange all borrowings.

Part II of the Agreement makes provision for the period of two years which will elapse before the provisions of Part III can come into force.

Part III of the Agreement is not to come into force unless, before July 1, 1929, the Constitution of the Commonwealth has been amended in accordance with proposals contained in Part IV thereof.

Under Part III the Commonwealth agrees to take over the public debt of each of the States and to pay the interest thereon to the bond-holders. The Commonwealth will provide during a period of 58 years the sum of £7,584,912 per annum for payment of this interest, the States providing any balance required to make up the amount of interest due.

At the end of this period each State is to bear the whole burden of the interest on so much of its public debt as is still unpaid.

Clause 3 of Part III provides for the establishment, in respect of the public debts of the States, of a sinking fund at the rate of 7*s*. 6*d*. per annum for each £100 of the debt. To this sinking fund the Commonwealth is to contribute 2*s*. 6*d*. and each State in respect of its debt 5*s*.

With respect to new loans a sinking fund at the rate of 10*s*. per annum in respect of each £100 is to be established to which the Commonwealth and the States, according to their respective liabilities, shall each contribute 5*s*. per annum per £100.

Sinking funds are to be controlled by the National Debt Commission.

The proposal for the amendment of the Constitution is in the following form and is contained in Part IV of the Agreement.

105A. (1) The Commonwealth may make agreements with the States with respect to the public debts of the States, including:
- (*a*) the taking over of such debts by the Commonwealth;
- (*b*) the management of such debts;
- (*c*) the payment of interest and the provision and management of sinking funds in respect of such debts;

(*d*) the consolidation, renewal, conversion and redemption of such debts;

(*e*) the indemnification of the Commonwealth by the States in respect of debts taken over by the Commonwealth; and

(*f*) the borrowing of money by the States or by the Commonwealth or by the Commonwealth for the States.

(2) The Parliament may make laws for validating any such agreement before the commencement of this section.

(3) The Parliament may make laws for the carrying out by the parties thereto of any such agreement.

(4) Any such agreement may be varied or rescinded by the parties thereto.

(5) Every such agreement and any such variation thereof shall be binding upon the Commonwealth and the States parties thereto, notwithstanding anything contained in this Constitution or the constitution of the several States or in any law of the Parliament of the Commonwealth or of any State.

(6) The powers conferred by this section shall not be construed as being limited in any way by the provisions of section 105 of this Constitution.

The Tasmania Sinking Fund Agreement Act (No. 43) ratifies an Agreement between the Commonwealth and Tasmanian Governments relating to securities held in the Tasmanian sinking fund. Consequent upon the Financial Agreement between the States and the Commonwealth, the States were realizing their sinking funds. The Tasmania sinking fund was invested wholly in Commonwealth securities and it was not desirable that these should be sold in the open market.

The Agreement provides that these securities shall be handed over to the Commonwealth and that an equivalent amount of debt due by Tasmania to the Commonwealth shall be cancelled. The value of the securities involved is £1,142,394.

The Tasmania Grant Act (No. 32) appropriates the sum of £220,000 for the purpose of financial assistance to the State of Tasmania.

Housing.—The Commonwealth Housing Act (No. 10) amends the principal Act in minor details to facilitate co-operation with various State housing authorities and extends its scope by authorizing loans for the purpose of enlarging existing dwellings.

Industry.—The Commonwealth Conciliation and Arbitration Act (No. 18) is designed to give greater stability in industry and to strengthen the powers of the Arbitration Court in its endeavours to maintain industrial peace.

By s. 18AA a majority decision of the court (constituted by the Chief Judge and at least two other judges) is required for the determination of standard hours in an industry, and by s. 25A the court is required in making its awards to provide for uniformity throughout the industry concerned in relation to hours of work, holidays and general conditions.

The provisions of s. 38C enable the court to leave the determination of an industrial dispute to the State authorities. Where there has been a breach of an award, s. 38D empowers the court to cancel or suspend the operation of an award.

Ss. 56A and 56F introduce an important innovation. These sections provide for the holding of secret ballots either on application by ten members of an organization or by the order of the court.

By s. 70A provision is made for the expulsion of a member of an organization by the committee of management where the member commits a breach of the Act or an award.

The Transport Workers Act (No. 37) provides for the control (by regulation) of the employment of transport workers with respect to their engagement and discharge and the licensing of persons as transport workers and the prohibition of the employment as transport workers of persons not so licensed. The object of this Act is to secure stability in the employment of waterside workers.

Legal Procedure.—The Service and Execution of Process Act (No. 14) amends the principal Act by providing for the attendance of prisoners in any State or part of the Commonwealth to give evidence in proceedings before any Court of Record where the court or judge thereof considers such attendance necessary.

The State and Territorial Laws Recognition Act (No. 15) extends the operation of the principal Act by applying its provisions to the Territories of the Commonwealth.

Mining.—The Geophysical Survey Act (No. 24) appropriates the sum of £20,000 to be expended in conducting a comprehensive test of geophysical methods of prospecting for minerals, metals, oils and water.

The Petroleum Prospecting Act (No. 8) appropriates the sum of £50,000 for the purpose of the Trust Account established under the Petroleum Prospecting Act, 1926–1927.

Parliament.—The Parliamentary Allowances Act (No. 9) removes some anomalies in the payment of parliamentary allowances under the Parliamentary Allowances Act, 1920.

Pensions.—The Invalid and Old Age Pensions Act (No. 31) increases the pension of a pensioner who is an inmate of a benevolent institution from four shillings to five shillings and sixpence per week.

Public Service. — The Officers' Rights Declaration Act (No. 16) defines the rights enjoyed by officers of the Public Service of the Commonwealth which have been preserved to them upon their transfer to the service of certain specified authorities of the Commonwealth. The rights in question are leave on the ground of illness, long service leave or pay in lieu thereof, superannuation, child endowment and, in the case of female officers, payment upon marriage.

Science and Industry.—The Science and Industry Appropriation Act (No. 27) appropriates the sum of £250,000 for the purposes of the Science and Industry Investigation Trust Account.

Seat of Government.—The Seat of Government Railway Act (No. 40) vests in the Commonwealth Railways Commissioner rolling stock and other railway property used in connexion with the railway connecting Canberra with the New South Wales railways, and grants to the Commissioner the exclusive use of the land set apart for railway purposes.

The application of the Commonwealth Railways Act, 1917–1925, is extended to matters arising in connexion with this railway.

The Seat of Government (Administration) Act (No. 44) varies the constitution of the Federal Capital Commission, the body charged with the administration of the Territory for the Seat of Government.

The office of Third Commissioner is made elective, the term of office being one year. The franchise is restricted to owners or occupiers of land in the Territory.

Tariff.—The Beer Excise Act (No. 38) permits beer to be removed from breweries put up in quarter pints. Imported stout is bottled in quarter pints as well as larger sizes, and this amendment of the principal Act puts Australian brewers on an equal footing.

The Customs Tariff Act (No. 2) varies the rates of duty upon a number of items in the Schedule to the Customs Tariff Act, 1921–1926.

The principal increases relate to iron and steel tubes, leather-cloth and linoleum, and are intended to encourage the establishment of these industries in the Commonwealth.

Reductions in duty relate mainly to household articles of everyday use which are not manufactured in Australia.

Preference to British goods has been extended and certain anomalies have been removed.

The Customs Tariff (No. 2) Act (No. 35) increases the duty on cinema films by 1*s.* 4*d.* per foot. The increased duty will provide revenue to meet the cost of censorship of films and measures to encourage film production in Australia.

The Customs Tariff (No. 3) Act (No. 36) amends item 291 in consequence of a judicial interpretation of the meaning of the word "redwood," which resulted in Baltic redwood being subject to a lower duty than was intended. The amendment cures this defect.

The Excise Tariff Act (No. 4) deals with fruit essences and starch. It places Australian manufacturers of fruit essences on the same footing as manufacturers of scent and toilet preparations. The duty on starch is repealed in consequence of the increase in duty imposed on the importation of rice.

Taxation.—The Income-tax Assessment Act (No. 46) is designed to remove certain anomalies in the Income-tax Assessment Act, 1922–1927, and to prevent the evasion of taxation by expedients which are being resorted to by various companies resultant upon interpretations placed on the Act by the courts.

The Estate Duty Assessment Act (No. 47) is also intended to remedy certain defects which have resulted in loss of revenue under the Estate Duty Assessment Act, 1914–1922.

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1927.

Closer Settlement and Returned Soldiers Settlement.—Act No. 14 provides for the re-determination of values of settlement purchases and revision of certain indebtedness to the Crown. The law is extended regarding subdivision of holdings under Closer Settlement Acts. Additional areas of land may be acquired, and resumptions, under certain circumstances, may be discontinued.

Crown Lands.—Act No. 16 provides, *inter alia,* for determination or re-determination of capital values and appraisement or re-appraisement of rentals of certain classes of holdings under the Crown Lands Acts; for conversion of conditional purchase leases into conditional purchases and conditional leases, and, in certain events, for conversion of homestead farms into Crown leases; for transfer of conditional leases and certain other additional holdings separately from holdings in virtue of which they were applied for; and for an extension of the law relating to subdivision of holdings under the Crown Lands Act.

Dentists.—Act No. 8 reconstitutes the Dental Board on the following basis: Four members to be registered dentists; two members (one a medical practitioner and the other a barrister) to be appointed by the

Governor; one member to be the Dean of the Faculty of Dentistry; and one member to be the President of the United Dental Hospital. The Governor will appoint the President from among the members. Annual registration of dentists is ordered. All examinations of students hitherto conducted by the Dental Board are to be conducted by Sydney University.

Dried Fruits.—Act No. 13 is not to function unless approved by a poll of growers. Provision is made for a corporate board to deal with marketing of dried fruits. The chairman will be appointed by the Governor and members will be elected by growers. The Board may impose a levy on growers for purposes of administration. The Minister, upon the Board's recommendation, may determine, from time to time, what proportion of output shall be marketed outside the Commonwealth. The Board may fix remuneration to be paid to dealers for sale or distribution of dried fruits, and also maximum wholesale and retail prices to be charged on sale of dried fruits. Dealers and packing sheds must register with the Board.

Electrical Contractors Licensing (Electricians).—Act No. 5 provides for the registration of electricians and reconstitutes the Electrical Contractors and Electricians Licensing Board. The Board is to consist of seven members—a president to be appointed by the Governor, a member to be elected by the public electricity supplying bodies, a member to be elected by members of the Committee of Fire Underwriters' Association of New South Wales, a licensed electrical contractor to be elected by electrical contractors licensed under the Act, a member to be elected by the Electrical Trades Union, and two licensed electricians to be elected by electricians licensed under the Act.

Factories and Shops.—By Act No. 12 factories must be registered and pay an annual fee. Provision is made for floor space for employees, air change, air movement, and ventilation; for precautions against accidents; for regulation of dangerous and unhealthy trades; for limitation of weights to be handled by women and children; for stricter notification of serious accidents; for installation of first-aid services; for safety in case of fire; for more effective regulation of work by Chinese in furniture factories; and for stamping of furniture to indicate name of manufacturer.

Family Endowment.—Act No. 39 provides for the endowment of mothers in respect of children under the age of 14 at the rate of 5*s.* per week for each child. No certificate of endowment may be issued in any case where—

(*a*) the family income in the twelve months immediately preceding the date of the claim exceeded the aggregate of the following amounts, namely: the amount for one year of the living wage based on the requirements of a man and wife without children and for the time being in force and appropriate to the case and the amount of £13 for each child in the family; or

(*b*) if the magistrate is satisfied that the claimant or his spouse has directly or indirectly deprived himself of property or income in order to qualify for or obtain an endowment. Where the family income would by the issue of a certificate of endowment be increased beyond the aggregate mentioned in paragraph (*a*) the certificate may be issued for such an amount only as will with the amount of the family income for the twelve months immediately preceding the date of the claim amount to that aggregate.

Act No. 40 prescribes 3 per cent. as the rate of tax upon the total amount of wages paid by employers (including Crown and Statutory Authorities under the Crown) for the purposes of the Family Endowment Fund.

Act No. 58 remits taxation imposed by the original Act during the months of November and December, 1927, and thereafter as the Governor may proclaim. Authority to assess and collect tax is transferred from the Family Endowment Commissioner to the Commissioner of Taxation. It removes from office holder of the post of Child Endowment Commissioner, and throws the position open to competition with the Public Service.

Gaming and Betting.—By Act No. 31 advertisement of sale of racing tips is declared illegal. Other clauses relate to the holding of race meetings (pony and trotting).

Act No. 54 prohibits betting or wagering after sunset on any licensed racecourse or coursing ground.

Income-tax.—By Act No. 25 income-tax payable by companies for the year ended June 30, 1926, is fixed at 3*s*. in the £, and for each subsequent year at 2*s*. 6*d*. in the £. Tax payable by any person other than a company, whose taxable income does not exceed £250, is declared to be 9*d*. in the £, and an addition of one-third of 9*d*. on such of the income as is derived from produce of property. Where taxable income exceeds £250 tax ranges from 9*d*. to 3*s*. with an addition of one-third of 3*s*. on such of the income as is derived from property.

Act No. 42 continues income-tax on companies of 3*s*. in the £ for a further period of one year.

Industrial Arbitration.—Act No. 38 empowers the Industrial Commission to declare a living wage for adult male employees without waiting for the expiration of the statutory six months' period. The Commission may declare a separate living wage for rural employees or any section thereof based upon standard of living in accordance with the provisions of s. 7 of the 1926 Act.

Act No. 45 provides for the appointment of an Industrial Commission of three to take the place of the previous Commission of one. Members are to have the same rank, title, status, precedence, salary and other rights as puisne judges of the Supreme Court. Majority decisions of the Commission shall prevail. The Commission may delegate any of its powers to one Commissioner sitting alone, but decisions in such case will be liable to review by the full Commission. The Commission may direct a committee or any chairman of a committee, or the Industrial Registrar, to inquire into any matter as to which it requires information. At meetings of a committee the opinion of the majority of members, other than the chairman, shall prevail; but if members are equally divided they may agree to accept the decision of the chairman. Where a committee fails to make an order or award or makes an order or award dealing only partially with an application, the chairman must refer such application or remaining undetermined portion thereof to the Commission. In such references members other than the chairman of committee may be called in by the Commission as assessors, but may not vote. It is made unlawful for the court or any board to prescribe that employees shall join a union as a condition precedent to employment, or that any engagement of labour shall be made at the office of a union or through a union official. The rights of the existing Industrial Commissioner are preserved.

Land Agents.—Act No. 3 provides for the registration of land agents in the Land and Valuation Court under rules made by the court. Any persons acting as paid agents without registration are liable to a penalty up to £50. Unregistered agents may not recover money or fees. Registration of any land agent may be cancelled on proof of misconduct. Land agents' bills may be taxed and the court may make rules for purposes of the Act.

Liquor.—Act No. 36 provides, *inter alia*, for the discontinuance of payment to the compensation fund in respect of licensed premises, and consequentially for refund of compensation fees paid in 1927. Provision is also made for the issue of permits to sell liquor in cases where meals are being regularly served on licensed premises, between 6 p.m. and 9 p.m. —Sunday, Christmas Day and Good Friday excepted.

Local Government.—Act No. 33, *inter alia*, provides for adult franchise, subject to six months' residence, before the prescribed day of enrolment. The Act makes it clear what lands used in connexion with public charities and churches are exempt from rating. Councils may overdraw on any fund (other than a trust fund) without obtaining authority from the Minister up to one-third of the income as certified by an auditor. The Governor may direct that a loan shall not be taken into account in calculating council's limit of borrowing in cases where income from loan work is sufficient to provide for redemption.

Local Government (Superannuation).—Act No. 35 aims at compulsory insurance for town and shire clerks, and municipal and shire engineers. Contributions will be paid proportionately by councils and employees, and a board will administer.

Marketing of Primary Products.—Act No. 34 provides for the constitution of marketing boards by proclamation, with power to market and otherwise deal with primary products; for the establishment of a State Marketing Bureau under the charge of a Director of Marketing; and for the collection of statistics relating to primary production. Creation of marketing boards is subject to a vote of approval by growers. Boards will be corporate bodies with power to levy on producers (with approval of the Governor) for administrative expenses.

Oil in Navigable Waters.—Act No. 20 prohibits the discharge of oil into navigable waters.

Parliamentary Electorates and Elections.—Act No. 30 provides for further redistribution of the State into electoral districts for the purpose of giving rural districts a greater measure of representation in the Legislative Assembly.

Pistol Licence.—Act No. 10 repeals the Gun Licence Act, 1920. Concealable firearms of all kinds remain subject to restrictions, but shot-guns are exempted. Any unlicensed person carrying a pistol after 7 p.m. is liable to a fine of £100 and imprisonment for six months.

Police Offences (Drugs).—Act No. 7 regulates the manufacture, sale, possession, distribution and supply of opium and certain other dangerous drugs, and tightens up the law generally in regard to their illegal use. The police are given wider powers, and severe penalties may be imposed upon offenders.

Police Regulation.—Act No. 23 makes it clear that police pensions are based on actual payments to officers according to rank.

Supreme Court and Circuit Courts.—Act No. 9 increases the number of puisne judges from seven to eight.

Totalizators.—Act No. 19 is designed to cure errors of experience. It provides, *inter alia*, that no deduction shall be made as commission by racing clubs respecting amounts invested on non-starters. A penalty of 10 per cent. may be imposed for late payment to the State Treasurer of totalizator percentages. All unclaimed money must be paid to the State Treasurer within one month of date of race meeting. Racing club rules with respect to the totalizator must be approved by the Governor in Council.

Wheat.—Act No. 6 provides for the grading of wheat and the management of grain elevators. The manager of the government grain elevators for the time being is declared to be a Wheat Commissioner for the purposes of the Act. A Wheat Standards Board is created to recommend grades of wheat to be fixed under the Act. Special grades may be declared to meet exceptional circumstances in any year. An appeal may be lodged against grading decisions to the Appeals Board, and, in event of disagreement by the Appeals Board, the Under-Secretary for Agriculture shall finally decide.

Wild Flowers and Native Plants Protection.—Act No. 2 regulates the picking of wild flowers. Offending persons are subject to penalties, for first offence not exceeding £5, second offence £10 and third or subsequent offence not exceeding £20.

Workers' Compensation.—Act No. 32 aims at curing errors of experience. The definition of worker is amended to include officers of friendly societies, or kindred societies, whose remuneration from such societies does not exceed £110 per annum. A working contractor employing no hands will be deemed to be a " worker."

Conveyancing.—Act No. 56 is a technical measure designed to cheapen the process of land transfer. It compels those who have charges against land belonging to a company to enter same in a register kept in the Registrar-General's office. In future it will be necessary to search only the register kept in the Registrar-General's office and not any record kept by the company. Further amendment (made necessary by a judgment of the High Court) provides for clear title to a purchaser of land sold under order of the court.

Federal Aid Roads.—Act No. 47 ratifies the agreement between the Commonwealth and the State for joint expenditure on certain roads for development purposes in the State. The Commonwealth undertakes to lend the State £5,520,000 over a period of ten years on condition that the State puts up 15*s*. for every £1 loaned by the Commonwealth. Part of the State's contribution must come from revenue.

1928.

Boy Scouts' Association (New South Wales Branch) Incorporation.—Act No. 26, *inter alia*, prevents the unauthorized use of the name or uniforms of the association or unauthorized sale of badges, etc. An Executive Committee for the time being of the branch is incorporated, with usual powers to deal with property.

Damages for Fatal Accidents.—The Compensation to Relatives Act (No. 8) amends Act No. 31 of 1897 under which, in certain circumstances, action for damages may be brought against a person whose wrongful act, neglect or default has caused the death of another. It gets rid of the decision that funeral expenses cannot be recovered, and prevents damages being reduced on the ground that any sum has been paid or has become payable out of any superannuation, provident or like fund, or by way of benefit from a friendly society, benefit society or trade union, or by way of pension under the Widows' Pension Act of 1925.

Electrical Contractors and Electricians Licensing.—Act No. 45 repeals the Acts of 1927 and 1928 and amends the 1924 Act. It reduces the membership of the Board from seven to five and substitutes an appointed Board for an elected Board. *Inter alia*, it provides that installation work may be carried out by an unlicensed person under the supervision of a person duly licensed.

Fair Rents.—Act No. 32 removes shops and flats from the operation of the Act. The basis of fair rent is determined on the evidence taken as to the actual market value of the house; provides that a landlord is not to receive less than 1½ per cent. over the Commonwealth Bank rate of interest as rent.

Financial Agreement Ratification Act.—Act No. 14 ratifies the financial agreement between the Commonwealth and the States.

Government Railways.—Act No. 37 separates the Government Railways and Tramways Accounts from the Consolidated Revenue Fund. The Colonial Treasurer is required to establish in Treasury Government Railways and Tramways Fund and Government Railways and Tramways Renewal Fund. All moneys in funds so established shall be invested in and expended by the Railway Commissioners according to law. The Consolidated Revenue Fund is relieved from claims or demands against the Railway Commissioners. Government Railways and Tramways Renewals Fund shall be available only to meet such appropriations as Parliament may make for renewals, reconstructions and conversions of railway or tramway lines, buildings, equipment, plant, etc. Commissioners must transfer from revenue, into a Government Railways and Tramways Reserve Account, such sum as the Auditor-General certifies to be net profit for the preceding financial year. The Governor may appoint a Committee of Review (including the Auditor-General and Under-Secretary to the Treasury) to carry out the duties prescribed by the Act, and may make regulations prescribing procedure to be followed by such Committee. Provision is made for contribution by the Treasury to non-paying developmental railway lines. Estimates of losses on developmental lines will be determined by the Governor after investigation and report by the Committee of Review. Such contributions by the Treasury will be two-thirds of amounts determined by the Governor, but in no case exceeding £800,000.

Government Savings Bank (Housing).—Act No. 31 extends the operations of the Advances for Homes Department of the Government Savings Bank. Commissioners of the Bank may periodically fix a maximum sum which may be advanced in respect of any application. Eligible persons (those not owning any dwellings) may receive advances up to 90 per cent. of cost of home (including land, fencing, etc.), no advance to exceed £1,200. Commissioners may pay off any amount owing by applicant, whether by way of unpaid purchase money, mortgage, charge or otherwise in respect of land intended for erection of dwelling, and such amount shall form part of purchase price payable by purchaser. The Commissioners must invite tenders for erection of dwellings and submit same for approval of applicants. After purchaser has reduced balance of money payable to the Commissioners to 75 per cent. of official valuation of land and dwelling he may obtain from the Commissioners, at his own expense, conveyance or transfer, subject to usual mortgage conditions. An innovation of importance empowers the Commissioners to make an advance to an owner of agricultural or pastoral lands for erection of dwelling to be occupied by himself and family, or of dwellings to be occupied by his employees and their families, or share-farmers and their families. Advance in such case will be secured by way of mortgage or guarantee or otherwise as may be acceptable to the Commissioners, notwithstanding the provisions of the Act. The Act forbids any assignment of contract by purchaser. Contracts entered into between the Commissioners and purchasers will not be subject to stamp duty. The Commissioners are empowered to make advances for home building from funds received from the Commonwealth Savings Bank in pursuance of the Commonwealth Housing Act, 1927-28. Maximum amount which may be advanced under the Commonwealth Act is £1,800 (90 per cent. of official valuation of property) limited to persons receiving incomes of £12 a week or less. The State Act of 1913 is amended to enable the Commissioners to arrange with any life insurance company for the insurance of the life of a borrower for the payment on the death of the insured of the debt on the home.

Income-tax.—Act No. 45 declares the income-tax rates. The rate is fixed on the basis of regular and progressive increase for every £ of taxable income.

Act No. 35 provides a new formula for taxation. General exemption is reduced from £300 to £250. A married man is allowed £50 deduction for his wife and the same deduction is allowed an unmarried person for the maintenance of dependents. Husband or wife, making a transfer or settlement of money, property or other assets upon a wife, or upon a husband, in order to avoid any liability to income-tax, may be assessed on income in excess of £250 arising from such settlement. Where a wife is a substantial shareholder in a company, by virtue of shares received under a settlement by her husband, or where a husband is a substantial shareholder in a company, the Commissioner may assess the husband on fees, salary, commission or allowance paid by the company to his wife. A husband or wife may be assessed on the whole of the income derived from a partnership entered into with his or her spouse and/or relatives under 21 years of age, with a view of avoiding income-tax. The income derived by a minor unmarried child from a settlement made by a parent is deemed to be income of the parent.

Companies whose taxable income exceeds £500 are taxed on a graduated scale based on taxable income. The principle of including dividends from companies as taxable income applies where the inclusion of the dividends increases the tax by more than the amount of the tax paid by the company on the dividends, in which case the tax paid by the company is allowed as a rebate.

Capital profits are subject to tax—in case of land where purchase and resale are made within seven years, and in case of shares and other personal property within three years. Capital losses may be deducted from capital profits and carried forward two years.

Assessable income and allowable deductions are defined, including new concessions, such as the carrying forward of business losses for two years. Other clauses are machinery clauses dealing with the lodgment of returns, making of assessments and collection of tax.

Liquor.—Act No. 6 reimposes the additional 3 per cent. on publicans' licences (removed by the Act of 1927) based upon actual purchases of liquor. A holder of a publican's licence will bear only three-fifths of the licence fee.

Act No. 12 amends the Act of 1919 and provides, *inter alia*, that the Chief Electoral Officer may obtain such assistance as he deems necessary in the final count, and that he shall have a casting vote, but no other vote, at a referendum. Returning officers are given a right to vote. Provision is also made for postal voting.

Local Government.—Act No. 41 amends the 1919 Act and extends the power of municipal and shire councils. Lands used for church or school purposes will not be exempt from rates unless owned by a church or school body. Councils may borrow by way of overdraft up to one-half the income as certified by auditors. Persons in charge of electrical works must be certificated. The Minister may grant permission to councils to reduce loan rates under certain circumstances. The Governor, on application from the council, may prohibit erection of flats in any area.

Mine Subsidence.—Act No. 53 provides for insurance against damage to improvements on surface of land due to subsidence caused by extraction of underlying coal or shale. A Mine Subsidence Board (incorporated) is set up, and insurance districts are established. A mine-owner, owner of surface land, shire or municipal council, or public authority concerned must insure with the Board. The Board will fix premiums and adjudicate claims.

Electric Lighting.—Act No. 48 is designed to regulate the price of electricity supplied by the Municipal Council of Sydney. The Governor, on the recommendation of the Minister, or on application of the council, may appoint a board to hold inquiries for the purposes of the Act. The Board will consist of three members—one to be nominated by the Minister, one by the council, and a third (chairman) to be agreed upon between the Minister and the council. The chairman will be endowed with the powers of a Royal Commissioner. The Board will certify what charges should be made by the council for the supply of electricity, hire of meters, etc. Such charges, when approved, will be proclaimed. The Governor may make regulations for the purposes of the Act.

Parliamentary Electorates and Elections.—Act No. 55 provides, *inter alia*, for the appointment of an Electoral Commissioner; for compilation of a joint roll for purposes of Commonwealth elections and elections to the Legislative Assembly; for compulsory expression of preferences in voting at elections of the Legislative Assembly; for compulsory enrolment; and for constitution of the Supreme Court as a Court of Disputed Returns. When any distribution of electoral districts becomes necessary the Governor shall appoint three "Electoral Districts Commissioners"—those for the time being holding offices of Electoral Commissioner, Government Statistician, and Surveyor-General. For the purposes of carrying out the distribution of electoral districts the State is divided into three parts—Sydney area, Newcastle area and Country area—which are set out in schedules to the Act. The Electoral Commissioner will be appointed by the Governor, and remain in office for seven years, subject to good behaviour. Officers necessary for administration of the Act will be appointed by the Public Service Board. Electoral inspectors and electoral registrars for subdivisions will be appointed by the Governor and may be removed by him.

Prevention of Cruelty to Animals.—Act No. 54 makes further provision for prevention of cruelty to animals. Captive animals must be provided with food and water and protected from hot or inclement weather. Owners of chained dogs are required to give them reasonable daily exercise. Surgical operations or operations for physiological or pathological investigation may be carried out according to regulations made under the Act. Provision is made for registration and inspection of animals employed at mines. An authorized officer may cause painless destruction of an injured or suffering animal without the consent of the owners. A person convicted of cruelty to an animal may be deprived of ownership in addition to other punishment ordered. In cases where an employee cruelly uses an animal with owner's knowledge such employee may be acquitted and the owner charged.

Public Loans.—Act No. 43 empowers the Governor to appoint in any country representatives to sign duplicate bonds replacing lost, defaced, stolen or mutilated ones, upon an indemnity being given to such appointed representatives.

Real Property.—Act No. 25 permits the Registrar-General in his discretion to dispense with service of notice of applications to bring land under the Real Property Act on persons in occupation of that land or of adjoining land; validates a long-standing and convenient practice, but hitherto unauthorized, of recording dealings with leases, mortgages and encumbrances on the memoranda of lease, mortgage or encumbrance, instead of on the Certificates of Title or Grants; deletes an unnecessary section which had never been acted upon and words in s. 100 (1) which required that joint tenants should receive separate certificates, but which had not been acted on; permits the Registrar-General in his discretion to deliver out to a registered proprietor a Certificate of Title which has been partially cancelled instead of putting the proprietor to the expense of obtaining a new certificate for the balance of his land; clarifies and improves certain sections by minor alterations; empowers the Registrar-General to compel a registered proprietor whose certificate will not contain any further endorsements or is damaged to take a new certificate, and definitely confers the status of registered proprietor on persons who, in pursuance of s. 14 of the Real Property (Amendment) Act of 1921, have been registered as proprietors.

Supreme Court and District Courts (Judges).—Act No. 7 enables the Government, when a judge goes on leave prior to retirement, to make permanent appointment of a new judge without waiting for leave period of retiring judge to expire.

Swine Compensation.—Act No. 36 provides for compensation of owners of pigs compulsorily destroyed on account of disease.

Act No. 50 is complementary to the above Act, and imposes a stamp duty of 1*s*. per carcase on every entry relating to the slaughter of pigs recorded by the owner or agent. Duty is paid into a fund established under the Swine Compensation Act.

2. QUEENSLAND.

[*Contributed by the* HON. SIR LITTLETON E. GROOM, K.C.M.G., K.C.]

Agriculture.—The law passed in 1917 (8 Geo. V, No. 17), to provide for the licensing of farm produce agents, was amended by the Farm Produce Agents Act Amendment Act of 1928 (No. 7). The term "farm produce agent " has been defined so as not to apply to " a person being a licensed auctioneer, conducting a clearing out sale of the vendor's own farm produce on the vendor's property, or any Board constituted under the Primary Producers' Organization and Marketing Act of 1926 or any Act amending the same." The definition of " farm produce " has been amended. The definition of " person " has been extended to include " a firm registered under the Registration of Firms Act, 1902–1912." It has also been enacted that no fee in respect of a licence or renewal thereof shall be payable by a joint stock company when such company employs a licensed auctioneer. If the court refuses to grant a licence or a renewal thereof, the applicant therefor may, within one month after the refusal by the court, appeal to the Supreme Court.

S. 6 of the principal Act is repealed and a new section substituted dealing with trust funds. All moneys received by a farm produce agent in respect of the sale of any farm produce must be paid into a bank to a trust account to be called " Farm Trust Account " and therein retained until disbursed as provided by the statute. The agent is entitled to draw against the trust account in payment of expense, etc., incidental to the sale, and moneys owing to the farm produce agent by the person on whose behalf the sale was carried out. Within thirty days of the sale the amount due in respect of the sale must be paid over. Notification has to be given to the Registrar of the name of each trust account and the name and situation of the bank, and any change in the name of the account or of the bank must also be notified. The Registrar is entitled to require the production of the bank passbook relating to any such account. There is a penalty not exceeding £50 for any breach of this section.

Moneys paid into such a trust account are not available for payment of the debt of any other creditor of the farm produce agent or liable to be attached or taken in execution under the order or process of any court at the instance of any such creditor.

New sections have been inserted in the principal Act dealing with appeals, inspection of books, etc., fraudulent accounts, destruction of books, destruction of farm produce, offences by a company, registered office of the farm produce agent, appointment of Registrar, and amendments made in s. 12 (Regulations).

Architects.—The Architects Act (No. 21) provides for the registration and regulation of architects. A Board is constituted consisting of six members appointed by the Governor in Council: three being representatives of the Government, nominated by the Minister; one the President for the time being of the Queensland Institute of Architects; two representatives, practising architects, elected by the practising architects of Queensland (s. 4).

The tenure of office of the elected representatives of the practising architects is two years. The Governor in Council may change its representatives from time to time (s. 8). The Governor in Council appoints the Registrar, but the Board may appoint other necessary officers (s. 9). All moneys received by the Board or the Registrar, including fees and penalties, must be paid into the funds of the Board. Out of this fund are paid the remuneration of the Registrar and officers and the administrative expenses. The Board may apply any surplus for the advancement of architecture (s. 10). Provision is made for the keeping of a register and a roll of architects and for the payment of roll fees (ss. 11–13).

No person is entitled to be registered as an architect unless he has attained the age of 21 years and satisfies the Board that he is of good fame and character (s. 14). S. 15 sets out in detail the qualifications required for registration: the applicant must have (*a*) passed the prescribed examination; or (*b*) hold a prescribed degree, diploma or certificate or licence of competency from some approved university, institute or college of Queensland; or (*c*) (1) have been a pupil or apprentice for a period of not less than five years (whether such period was wholly before or partly before and partly after the passing of the Act) to a practising architect, or (2) have been for a similar period a student in any architectural course approved by the Board at any approved university, institute or college, or (3) have been for a similar period a student in architecture or a junior in the course of training in architecture (i) in any Government Department or (ii) in the employment of any municipality or any public corporation constituted by statute (in any case under (1) (2) and (3) the applicant must have been engaged for not less than two years upon practical architectural work, and satisfy the Board by examination or otherwise that he possesses the requisite knowledge and skill for the practice of architecture); or (*d*) holds a degree or diploma, certificate, or licence of competency from an approved institution outside of Queensland and also either satisfies the Board that he possesses the requisite knowledge or skill for the practice of architecture or in that country or state where such degree, etc., was issued persons registered under the Queensland Act are entitled to practise architecture by virtue of such registration without further examination; or (*e*) has prior to September 21, 1928, practised in Queensland as an architect as his sole or main source of livelihood; or (*f*) has been engaged during a specified period in the acquirement of professional knowledge in architecture and who passes an examination; or (*g*) satisfies the Board that during two years preceding the commencement of the Act he has been a competent teacher of architecture. Certificates of registration are issued. Provisions deal with the refusal to register, the removal of names from the register and the restoration of names.

No person shall use or publish in connexion with architecture or the practice of architecture any title, name, words or letters which indicate that he is qualified or entitled to registration as an architect other than such title, name, words or letters as truly indicate a qualification which he in fact holds (s. 22). No person other than a registered architect, or a person practising architecture as an officer of the Public Service of Queensland or of the Commonwealth, or as an employee of any statutory authority constituted for public purposes shall take or use the name "architect" or any abbreviation thereof with any other name, title or business. This clause deals further with certain prohibited practices. Part V contains miscellaneous clauses including the power to make regulations. A schedule deals with elections, the duties of the Board, meetings of boards and other matters.

Children.—By the Guardianship and Custody of Infants and Marriage of Minors Amendment Act (No. 4) amendments have been made of the law with respect to the guardianship, custody and marriage of infants. Where in any proceedings before the court the custody or upbringing of an infant or the administration of any property belonging to or held in trust for an infant or the application of the income thereof is in question, the court in deciding that question shall regard the welfare of the infant as the first and paramount consideration and shall not take into consideration whether from any other point of view the claim of the father, or any right at common law possessed by the father, is superior to that of the mother or that the claim of the mother is superior to that of the father (s. 4 (3)). The mother has the like powers to apply to the court in respect of any matter affecting the infant as are possessed by the father (3A). On the death of the father of an infant, the mother, if surviving, shall be guardian of the infant, either alone or jointly with any guardian appointed by the father. Where no guardian has been appointed by the father, or the guardian appointed is dead or refuses to act, the court may appoint a guardian to act jointly with the mother. In the event of the death of the mother, the father shall be guardian either alone or with a guardian appointed by the mother. The court has similar power to appoint a guardian where no appointment made by the mother or the guardian appointed is dead or refuses to act. The father and mother are given power to appoint testamentary guardians. Any guardian so appointed must act jointly with the surviving parent unless that parent objects. In that event, or if the guardian considers the mother or father unfit to have the custody of the infant, the matter can be determined by the court on application. Where guardians are appointed by both parents they shall, after the death of the surviving parent, act jointly. Any disputes between the joint guardians can be determined by the court (s. 5). The power of the court to make an order as to the custody of an infant and the right of access thereto may be exercised notwithstanding that the mother of the infant is then residing with the father of the infant. Where the court under this section makes an order giving the custody of the infant to the mother, then whether or not the mother is then residing with the father the court may further order that the father shall pay to the mother towards the maintenance of the infant such weekly or other periodical sum as the court having regard to the means of the father, may think reasonable. But no such order, whether for custody or maintenance, can be enforced and no liability accrue while the mother resides with the father, and any such order ceases to have any effect if, for a period of three months after it is made, the mother continues to reside with the father. Under the second part of this statute provision in full detail is made with respect to the consents required to the marriage of an infant.

The State Children Acts Amendment Act (No. 19) amends in certain particulars the State Children Acts, 1911-1924, and also the Criminal Code. The principal Act is amended by the insertion of a new section which provides that in any case where a child is convicted on indictment of wilful murder, murder, attempt to murder, manslaughter or any offence for which the offender is liable under the Criminal Code to imprisonment with hard labour for life, the court may sentence such child to be detained for such period as may be specified in such sentence, in such place and on such conditions as the Minister may specify. Where such a sentence is imposed such child shall, during the period specified, and notwithstanding that such period would extend beyond the time of such child attaining the age of 18 years, be so detained; and while so detained be deemed to be in legal custody. "Place" means any prison as defined by the Prisons Act, 1890, or any reformatory, or any place declared by Order in Council duly gazetted.

S. 67 of the principal Act is repealed and a new section enacted with respect to the unauthorized employment of children in street trading (67A) provides for the issue of a licence authorizing a child of or over the age of 12 years and under the age of 14 years to engage in street trading in accordance with the conditions prescribed by the section. Under (67B) (1) causing or allowing a child to be in any place for the purpose of begging or receiving alms or inducing the giving of alms under pretences is prohibited, as also (2) causing or allowing a child under the age of 14 to be employed about a racing stable, or in connexion with the training of horses for racing or to be engaged as a jockey. Subsection (3) provides that no person shall, except with a licence and in accordance with the conditions prescribed therein, cause or allow any child to be in any place used for public entertainment for the purpose of performing for reward. This provision does not apply to church or charitable entertainments.

Income-tax.—The Commonwealth and State Income-taxes Agreement Act, 1924–1928 (No. 12), ratifies and confirms an agreement made between the Commonwealth of Australia and the State of Queensland. It extends the operation of the agreement dated October 31, 1923, between such parties relating to the assessment and collection of Commonwealth Income-tax and State Income-tax by one agency.

The statute 19 Geo. V, No. 17, makes a number of amendments in the Income-tax Acts, 1924–1926.

Nurses and Masseurs.—The Nurses and Masseurs Registration Act of 1928 (No. 10) makes provision for the training, qualification and registration of nurses and masseurs. Amendments are made in the Health Acts, 1900–1922.

The Act provides (s. 4) for the establishment of a Board for the registration of duly qualified nurses and masseurs. The Board consists of seven members: one nominated by the Minister; one, a medical practitioner nominated by the Medical Board; one, a medical practitioner employed by the State in connexion with a hospital for the insane; two qualified nurses nominated by an association of organized nurses recognized for this purpose by the Minister, and one of such nurses shall be a matron in a hospital being a training school for nurses; one member shall be the Superintendent of Nurses employed by the State in connexion with the child welfare service; one member, a qualified person engaged in the practice of massage in Queensland. The members are appointed by the Governor in Council for three years and are eligible for reappointment.

A register is kept for the registration of nurses and masseurs in the following classes: Nurses: (*a*) general nurses; (*b*) midwifery nurses; (*c*) child welfare nurses; (*d*) mental nurses. Masseurs: (*a*) Masseurs; (*b*) Masseuses (s. 5).

Before registration of any person the Board shall be satisfied that the applicant is a person of good fame and character. Examinations are held by the Board from time to time for the examination of persons who are desirous of qualifying as a general nurse, mental nurse, midwifery nurse, child welfare nurse or masseur (s. 6). Any person who, not being duly registered under this Act, takes or uses the name, initials, title, addition, designation or description of a nurse or masseur, with intent to cause or may reasonably cause any other person to believe that he or she is registered under this Act shall be guilty of an offence (s. 8). Recognition for the purposes of registration of nurses and masseurs is given in special cases where training and certificates have been obtained from authorities outside the State (s. 9). Power is given to the Minister in certain cases to dispense with certificates (s. 10). Nurses registered under the Health Acts, 1900–1922, shall be deemed to be registered under this Act. Every nurse who has been or will be granted a certificate by the Minister for training in child welfare shall be entitled to registration as a child welfare nurse (s. 11). Penalties are provided for false or fraudulent representation (s. 12). S. 13 specifies the powers and the duties of the Board to be as follows: (*a*) to appoint examiners; (*b*) to appoint training schools for the purpose of training nurses and masseurs; (*c*) to determine the character, subjects and conduct of examinations; (*d*) to appoint the places where and the times when examinations shall be held; (*e*) to issue and cancel certificates of registration; (*f*) generally to do any act, or perform any duty, which may be necessary for the purpose of this Act. The Board also has certain powers of suspension of registered persons, removal of names from register and restoration to register. An appeal lies to the Minister from a decision of the Board (s. 14).

Fees for examinations, etc., are prescribed (s. 16). Provision is made for the appointment of a Registrar and other officers (s. 17). All moneys received by the Board, including fees and penalties, are paid to the Board and become part of the funds of the Board. S. 22 enables the Board, with the approval of the Governor in Council, to make regulations.

Stock.—The Stock Foods Amendment Act of 1928 (No. 5) amends the Stock Food Act, 1919, in certain particulars. Among other alterations, the definition of "mixed, concentrated or prepared stock food" and "stock food" are amended to include "stock lick or mineral" feed. S. 3 of the principal Act is also amended. This section provides for the annual submission of a sample of the stock food in which a seller deals, to the Under-Secretary, and of certain information. It is now enacted that in addition to what is required, the sample copy of the label shall clearly certify the chemical analysis of the stock food with the terms also now added "(*d*) minimum percentage of salt and (*e*) in the case of stock licks or mineral feeds, the maximum percentage of salt and the minimum percentage of the following constituents, viz. phosphoric acid ($P_2 O_5$), lime, magnesia, iron, sulphur, iodine, and also the respective forms in which they respectively occur." To s. 5 is added a new subsection: "Any person who sells any stock food which upon analysis under this Act is found to contain (i) a lesser percentage than any minimum percentage; or (ii) a greater percentage than any maximum percentage, as is certified on the label attached to the stock foods concerned, when such difference in percentage, in either case, amounts to more than five per centum of the amount as is certified on the label to be present, shall be guilty of an offence against this Act." Power is conferred upon the Governor in Council to appoint inspectors, analysts and such officers as are necessary to give effect to the law. Officers must not have any interest in the manufacture or sale of stock food. Other minor amendments are effected.

Traffic.—The Traffic Acts Amendment Act (No. 6) amends the Traffic Acts, 1905–1916, by extending the power to make regulations in reference to the imposition of penalties; s. 16 of the principal Act is repealed and the section in substitution provides that (1) "every person guilty of an offence against this Act for which no penalty is provided shall be liable to a penalty not exceeding twenty pounds. (2) Save as is otherwise provided, every person guilty of any second or subsequent offence against this Act shall be liable to a penalty not exceeding fifty pounds. (3) Notwithstanding anything in any Act to the contrary, when any person is convicted before any police magistrate of an offence under this Act, the police magistrate shall not reduce the penalty to be imposed in respect of such offence below any prescribed amount of penalty. (4) All penalties incurred under this Act and all fares required by regulation to be paid and all other sums made payable by this Act may be recovered in a summary way by complaint before a police magistrate."

16A, a new section, deals with drivers of motor vehicles and motor-cycles who drive them whilst so much under the influence of intoxicating liquor as to be incapable of exercising effective control of the vehicles.

The court may sentence the offender, on a second or subsequent offence, to imprisonment without extending to him the option of the payment of a penalty. Moreover, the licence of the offender guilty of a second offence is *ipso facto* cancelled and such person shall not be entitled to be licensed until a period of twelve months from the date of the sentence of the court has elapsed.

3. SOUTH AUSTRALIA.

[*Contributed by* E. L. BEAN, ESQ., M.A., LL.B., *Parliamentary Draftsman.*]

During the 1928 session of the Parliament of South Australia forty-two Bills were passed into law, of which the most important are dealt with hereunder.

Supreme Court.—Act No. 1864 enables the judges of the Supreme Court to make rules of court empowering the Master and Deputy Master of the Supreme Court to hear and determine in chambers any application or proceedings which could previously have been heard and determined by a judge in chambers. The practice in this State before the passing of this Act was that practically all interlocutory applications had to be made to the judges in chambers. The Act confers a right of appeal against the decision of the Master, the appeal being to a judge in chambers.

Evidence (Affidavits).—Act No. 1856 empowers justices of the peace to take affidavits for use in any court without the issue of any special commission for that purpose. Prior to the Act affidavits for use in the Supreme Court could only be taken before Commissioners appointed by the Governor or by the judges of the Supreme Court.

Matrimonial Causes.—Act No. 1889 enacts the following new grounds for divorce:—(1) Desertion for five years. (2) That the husband had during three years or more been an habitual drunkard and either habitually left his wife without means of support or was habitually cruel to her, or that the wife had for a like period been an habitual drunkard and habitually neglected her domestic duties and rendered herself unfit to discharge them. (3) That at the time of the presentation of the petition the respondent had been imprisoned for a period of not less than three years and was still in prison under a commuted sentence for a capital crime or under a sentence of imprisonment for seven years or more, or, being a husband, had within five years undergone frequent convictions for crime and been sentenced in the aggregate to imprisonment for three years or more and left his wife habitually without means of support. (4) That within one year previous to the presentation of the petition the respondent had been convicted of having attempted to murder the petitioner, or of having assaulted him or her with intent to inflict grievous bodily harm, or had during that period repeatedly assaulted and beaten the petitioner. (5) Confinement as a lunatic in an institution for a period or periods of not less than five years within the six years immediately preceding the presentation of the petition, coupled with unlikelihood of recovery.

These grounds, although new in South Australia, have been in force either in an identical or somewhat similar form in other Australian States for some time.

Registration of Business Names.—Act No. 1851 adopts substantially the provisions of the Imperial Act, 6 & 7 Geo. V, c. 58, which provides for the registration of firm names, and the business name of every individual who carries on business otherwise than under his own true name. The principal difference between this Act and the Imperial Act is that the South Australian Act provides that registration of a business name expires upon the expiration of three years from the date when it was effected, unless renewed.

Police.—The principal change in the law effected by Act No. 1863 is contained in the section which enables the police to search, examine and take physical particulars of persons in custody on a charge of committing any offence. Three powers are conferred.

Firstly, any member of the police force is empowered to search any person in lawful custody on a charge of any offence and take from him anything found upon his person.

Secondly, in any case where the offence is of such a nature and alleged to have been committed under such circumstances that there are reasonable grounds for believing that a bodily examination of the person in custody will afford evidence as to the commission of the offence, any legally qualified medical practitioner acting at the request of a member of the police force of or above the rank of sergeant, may make such an examination.

Thirdly, any member of the police force of or above the rank of sergeant may photograph and take the finger-prints and any other personal particulars of any person in custody on a charge of any offence.

Trespassing on Land.—Act No. 1859 makes trespassing on land an offence in certain circumstances. The effect of the Act is that if a landowner has any sheep in a fenced paddock abutting on a road and places a notice to that effect at each gate leading from the road to the paddock, any person who unlawfully enters the paddock will be guilty of an offence punishable on summary conviction.

Indecent Reports Restriction.—Act No. 1873 was passed to suppress certain newspapers which were almost entirely devoted to retailing reports of legal proceedings in which there was an element of indecency. Since it was passed, the Act has succeeded in its object.

S. 2 of the Act adopts in substance s. 1 of the Imperial Act, 16 & 17 Geo. V, c. 61, and provides that newspaper reports of matrimonial proceedings must be limited to certain particulars therein set out.

S. 3 makes it an offence to print or distribute any newspaper in which any report of legal proceedings involving elements of indecency, or of any indecent conduct, occupies more than fifty lines of thirteen ems wide or the equivalent thereof in any kind of type, or carries a heading composed of type larger than ten point capitals.

Motor Vehicles (Special Licences).—Act No. 1884 was passed in the interests of the State-owned railways. Its purpose is to impose additional annual licence fees on those motor vehicles which are regarded as the most serious competitors of the railways. The Act provides for three types of licence:—Firstly, the "private freight licence," which has to be obtained for every vehicle used for the purpose of carrying goods by any person other than a carrier; secondly, the "carrier's freight licence," which has to be obtained for every vehicle used by a carrier for the purpose of carrying goods; and thirdly, the "passenger licence," which has to be obtained for every vehicle used for the purpose of carrying passengers for hire or reward.

The fee is based on the power-weight of the vehicle, that is to say, the figure obtained by adding together the weight in hundredweights of the vehicle and the horsepower. The fee for a private freight licence or a passenger licence is £6 for the first 25 power-weights, with an additional 5*s*. for every power-weight in excess of 25; and for a carrier's freight licence £8, plus 5*s*. for every power-weight in excess of 25.

A licence for any vehicle can be obtained as of right on payment of the appropriate fee.

Municipal Tramways Trust.—Act No. 1888 confers upon the Municipal Tramways Trust (a municipally controlled body which enjoys a statutory monopoly of carrying passengers by electric tramways in the metropolitan area) the exclusive right to operate motor omnibuses within the metropolitan area for the purpose of carrying passengers at fares under 1*s*. 6*d*. per person for a single journey or 3*s*. for a return journey.

Dairy Industry.—Act No. 1878 institutes a system of government supervision of the dairy industry throughout the State, with the exception of the retail milk trade. It provides for the licensing and inspection of dairy farms, butter and cheese factories and creameries. It empowers the Governor to make regulations, the general object of which is to ensure the efficiency and cleanliness of all such dairy farms, factories and creameries, and to improve the quality of dairy produce.

District Councils.—The principal reform effected by Act No. 1885 relates to the mode of appointing auditors to those local governing bodies known as district councils. Before the Act two auditors were elected for each council by the ratepayers and no special qualifications for auditors were required. The new scheme is that there shall be one auditor for every district council appointed by the council and holding office for two years. Every auditor must be a qualified person, holding a certificate known as the Local Government Auditor's Certificate issued by an examining committee appointed for the purpose of testing the qualifications of candidates for office as local government auditors.

4. TASMANIA.

[*Contributed by* H. J. Solomon, Esq., LL.B.]

Session 19 Geo. V—Acts passed—65.

Advances to British Settlers.—Act No. 33 is designed to encourage the immigration to Tasmania of natural-born British subjects of European descent. An intending settler who is possessed of these qualifications may, upon satisfying the Agent-General that he is possessed of an assured and permanent income of £250 per annum, or of liquid assets of not less than £3,000, receive a loan from the Agent-General on behalf of the Treasurer of a sum of money to pay, either partially or wholly, the fares of himself, his wife and children to Tasmania. The sum advanced must be repaid according to the terms of an agreement entered into at the time it is advanced, by half-yearly payments extending over a period of not more than 10 years, and bears interest at 5%.

Animals and Birds' Protection.—Act No. 51 establishes a board consisting of nine members, of whom the Commissioner of Police is one, and ex officio chairman; the other members represent the trappers and hunters of the State, the fur skin merchants, the Game Protection and Acclimatization Association of Tasmania, and various other bodies interested in the preservation of animals and birds in the State. The Act applies to all animals and birds (except whales and seals, which come under the provisions of the Fisheries Act, 1925, 16 Geo. V, No. 42), and empowers the Board to make regulations dealing with (*inter alia*) the conditions under which, and times when, any specified animals or birds may be taken, and the maximum number of any partly protected species of animal or bird which may be taken by any one person, as well as the conditions under which the skins of such animals may be sold or otherwise dealt with. The Board may also recommend to the Governor the prohibition of the importation of any kind of species of animal or bird, and may appoint sanctuaries for animals and birds of any kind. The Act contains schedules of wholly protected, partially protected and unprotected animals and birds; among the wholly protected animals are the Tasmanian Great or Forester Kangaroo, and the well-known platypus, while among the unprotected is the equally celebrated Tasmanian Devil.

Co-operative Industrial Societies.—Under Act No. 49 may be registered any society consisting of at least 5 members, its capital being divided into shares, in which no member shall hold an interest exceeding £1,000. The rules of the society must conform to the provisions of the Act, and regulate matters which are set out in a schedule thereto. Upon registration the society becomes a body corporate, with limited liability, and may sue and be sued in its registered name. Its rules become binding on members, and moneys due from any member to the society may be recovered in any court of competent jurisdiction. Contracts may be entered into between the society and any member by which such member is bound either to sell through the society all specified products produced in Tasmania by the member during a period not exceeding 5 years, or to obtain during such period any specific supplies or services through the society. Such contracts are explicitly declared not to be invalid merely on the ground that they are an unreasonable restraint of trade. The rate of dividend payable is limited, and any balance must be disposed of in the manner provided by the rules of the society. A society may, if it conforms to the provisions of the Companies Acts, 1920, by special resolution decide to convert itself into a company under that Act: similarly a registered company which complies with the conditions of this Act, may by special resolution decide to convert itself into a registered society. A registered society is wound up in the same manner, and under the same circumstances, as a company registered under the Companies Act, 1920.

Electoral.—Act No. 55 makes voting at Parliamentary elections compulsory, under a penalty not exceeding £2. (It may be noted that though the Tasmanian House of Assembly is elected by full adult suffrage, the franchise for the Legislative Council is based on an educational and property qualification. Enrolment as a voter for this latter house is optional: however, a voter once enrolled is liable to the penalty if he omits to record his vote.)

Public Debt Redemption and State Finances Adjustment.—Act No. 34 provides that sinking fund contributions are to be no longer made to the Commissioners of the Public Debt Sinking Fund, but to the National Debt Commission (constituted under the National Debt Sinking Fund Act, 1923–24, of the Commonwealth of Australia) in accordance with the financial agreement between the Commonwealth and States in 1927 (approved by the Tasmanian Government by the Financial Agreement Act, 1927).

Rural Districts Electrical Undertakings.—In pursuance of the State policy with regard to electrical development, the Minister in charge of the State Hydro-Electric Department is authorized by Act No. 4 to take over from the municipalities set out in the Act—Deloraine, Westbury, Longford and Evandale—their electrical undertakings, and upon this being done, the loans and obligations of the said municipalities under their Lighting Acts are transferred to the Minister.

State Tourists' Accommodation Houses Erection.—Act No. 62 makes a further appropriation for the erection of State accommodation houses for tourists in the Lake districts of Tasmania as provided for by the State Tourists' Accommodation Houses Act, 1927.

Workers (Occupational Diseases) Relief Fund.—Act No. 52 provides compensation for workmen who have become incapacitated through certain diseases which result from mining employment—silicosis, pneumonokoniosis, fibrosis, lead, arsenic or carbon monoxide poisoning, ankylostomiasis, or nystagmus. On the commencement of the Act, all mining employees (save such as have already been for 5 years so employed in Tasmania) must undergo medical examination and be certified free from any such disease. If at any time thereafter an employee becomes incapacitated owing to one of the above diseases, he is entitled to a weekly payment during such incapacity, the total amount so payable being limited to £600. Should the employee die of such disease, his dependents may claim, the sum payable in such case being limited to £400. Acceptance of payment under the Act is a bar to any proceedings at law against the employer. The fund is supplied by payments from employers of mining workmen, and from the Treasurer, in respect of each workman employed in the proportion of three to two respectively. The employer's contribution in respect of an employee may be deducted from the wages of such employee.

5. VICTORIA.

[*Contributed by* HIS HONOUR JUDGE ZICHY-WOINARSKI, K.C., *and* S. H. ZICHY-WOINARSKI, ESQ., M.A., LL.B.]

Second Session, Twenty-ninth Parliament; Acts passed—50.

Local Government (Borrowing Powers).—No. 3581 allows the council of any municipality instead of obtaining advances by overdraft of current account, to borrow money by the issue of debentures on the credit of the municipality for the purpose of defraying the cost of the construction of streets on private lands, or for liquidating moneys due to any bank (for the construction of such works) which have already been obtained by overdraft of current account. A special order of the municipality is necessary, but no poll of the ratepayers is necessary. This form of borrowing is to be in addition to its other borrowing powers.

Local Government.—No. 3590 deals with what is known as the parking of motor-cars in the streets or roads of any municipality. To the power granted to a municipal body by the principal Act to make by-laws for some thirty-seven purposes is added the power to make by-laws in regard to standing places for motor-cars in streets and roads together with all matters incidental or necessary in that behalf. A municipality is enabled to charge a fee ranging from 1s. per day to £10 for a term of 12 months. The provisions of the principal Act in regard to by-laws are extended and made applicable by s. 5 to the making of by-laws under this Act, with the proviso that all by-laws so made shall be subject to the approval of the Governor in Council.

No. 3595 allows the council of any municipality when opening any new street or road or diverting any street or road or altering or increasing the width of any street or road to take other land not actually required for those purposes, provided that the approval of the Governor in Council is obtained to the replanning scheme submitted by the council. Certain preliminary procedure is prescribed and notices are to be published and provision is made for objections to the scheme by persons interested and for the reconsideration by the Minister of such objections before submitting it to the Governor in Council. The Act also deals with the carrying out by the council of the water and undertakings in connexion with the scheme.

Midwives.—No. 3587 abolishes the Midwives Board and transfers the registration of midwives to the Nurses Board created by Act No. 3307. The restriction on the registration of a woman who has qualified as a midwife in any part of His Majesty's Dominions unless such other part reciprocates with Victoria is done away with, and provision is made for the registration of any woman who has so qualified (s. 3).

Fertilizers.—No. 3597 amends the principal Act in respect to the ingredients of fertilizers and amends also the procedure to be followed when samples are taken for analysis and makes minor alterations in applications for the registration of brands. It protects inspectors, analysts, etc., in respect of anything done or omitted in the exercise or execution of their powers or duties except in respect of wilful misconduct or neglect. It imposes a penalty for selling a fertilizer in respect of which no brand is registered.

Explosive Substances.—No. 3600 practically reproduces both in substance and form the Imperial Act, 46 Vict., c. 3, introduced into the Commons by Sir William Harcourt at the time of the Phœnix Park outrages. The necessary modifications in the administrative machinery are provided, and the maximum terms of imprisonment reduced from 20 and 14 years to 15 and 10 years respectively.

Workers' Compensation.—No. 3604 is an amending Act increasing the amount of remuneration specified in the interpretation of the term "worker" in the principal Act from £350 to £360 (s. 2). S. 3 reproduces 15 & 16 Geo. V, c. 84, § 29, s. 4, amending the Second Schedule, substitutes £680 for £600 as the maximum compensation payable. Provision is made for the payment of compensation moneys into and out of courts of petty sessions (s. 5). S. 7 brings the local into line with the imperial legislation by the addition to the Fifth Schedule of chrome ulceration or its sequelæ, subcutaneous cellulitis or acute bursitis arising at or about the knee (Beat knee), and subcutaneous cellulitis or acute bursitis over the elbow (Beat elbow), together with the corresponding processes. Finally, any joint that is rendered permanently useless is deemed to be a total loss thereof.

Adoption of Children.—No. 3605 makes provisions for the adoption of infants similar to those of the Imperial Act, 16 & 17 Geo. V, c. 29.

S. 3 empowers the court (Supreme Court or county court and in certain cases only a court of petty sessions) upon application to make an adoption order relating to an unmarried infant and no such order is to be made authorizing more than one person to adopt an infant except in a joint application by a husband and wife.

S. 4 provides restrictions ; an applicant must not be under the age of 25 years nor less than 21 years older than the infant excepting, in both cases, where applicant and infant are within the prohibited degrees of consanguinity or being of the same sex are of the same blood. Again, where the sole applicant is a male and the infant in respect of whom the application is made is a female, the order is not to be made unless the court is satisfied there are special circumstances which justify the order as an exceptional measure. Then again, the written consent of every person or body who or which (*a*) is a parent or guardian of the infant, or (*b*) has the actual custody of the infant, or is liable to contribute to the support of the infant, is made a necessary condition to obtaining the order, but the court can dispense with this consent if satisfied that the person whose consent is to be dispensed with abandoned or deserted the infant or cannot be found or is incapable of giving such consent or is a person with whom the infant (not being the child of such person) is boarded out, placed or apprenticed as a ward of the State under the Children's Welfare Act or similar statutory provisions. Finally, this section provides that an adoption order is not to be made upon the application of one of two spouses without the consent of the other, although the court may dispense with such consent if the person to consent cannot be found or is incapable of giving such consent, or if the spouses have separated and are living apart and the separation is likely to be permanent.

S. 5 requires the court to be satisfied before making an adoption order (*a*) that the person whose consent is necessary (and whose consent is not dispensed with) understands the nature and effect of the consent and of the adoption order, and in the case of a parent the effect the order will have in depriving him or her of parental rights ; (*b*) that the adoption order will be for the welfare of the infant, due consideration being for this purpose given to the wishes of the infant, having regard to its age and understanding ; and (*c*) that the applicant has not received or agreed to receive and that no person has made or given or agreed to make or give to the applicant any payment or other reward in consideration of the adoption except such as the court sanctions.

S. 6 enables the court on its own to require the adopter by bond or otherwise to make for the adopted child such provision (if any) as in the opinion of the court is just and expedient.

A very important section is s. 7 dealing with the effect of an adoption order when made. (i) All the rights, obligations and liabilities of the natural parent or guardian in respect of the future custody, maintenance and education of the child absolutely cease and vest in and are enforceable by and enforceable against the adopter as if the child was one born to the adopter in lawful wedlock. This provision involves a great change in the status of the adopted child, because it means that the child is severed from its family of origin and is admitted into the family of the adopter. (ii) The adopted child, from and after the order, is entitled to succeed (whether under any intestacy or disposition) to the real and personal property of the adopter or adopters as if it had in fact been a child born to the adopter or adopters in lawful wedlock. But (*a*) it has no right of succession to the real or personal property of a relative of the adopter or adopters who dies intestate ; and (*b*) it has no right to any real or personal property under any disposition made by a person or persons other than the adopter or adopters in favour of the issue child or children of the adopter or adopters unless it appears that it was the intention of the person or persons making the disposition to include adopted children as objects of such disposition. (iii) The adopted child is to have no right of succession to any real or personal property of its natural parent or parents which, if the adoption order had not been made, might have been claimed (whether under any intestacy or disposition) by such child as a child born to its natural parent or parents in lawful wedlock unless, in the case of a disposition, such child is expressly named therein. But the adoption order is not to deprive the adopted child of any right of succession to the real or personal property of a relative of its natural parent or parents who dies intestate, nor of any right to any real or personal property under a disposition made by a person other than its natural parent or parents in favour of the issue child or children of its natural parent or parents unless it appear it was the intention of such person making the disposition to exclude such children of the natural parents as have been adopted. (iv) Nor is the order to affect any estate, right or interest in any real or personal property to which any person has become entitled by virtue of any disposition made before the making of the adoption order. (v) Marriage is prohibited as between the adopter and the adopted child ; and the provisions of the criminal law as to incest are extended to protect an adopted child. (vi) An adopted child ranks as an ordinary child in the matter of succession and other duties payable under the Administration and Probate Acts.

S. 8 empowers the court on any application for an adoption order to postpone its determination and make an interim order (which shall not be an adoption order) giving the custody of the infant for a period of not more than two years by way of probation and upon such terms as to maintenance and education, etc., as the court thinks fit.

S. 9 allows an adoption order or an interim order to be made in respect of an infant who has already been the subject of such an order, *e.g.*, where the adopter has died.

S. 10 vests the jurisdiction to make adoption orders in the Supreme Court, or at the option of the applicant in any county court and in certain cases only in a court of petty sessions consisting of a police magistrate and two justices one of whom shall be a woman and one a man. Rules of procedure are to be framed by the judge of the Supreme Court and in any application the court is to appoint some person or body to act as guardian *ad litem* of the infant upon the hearing of the application.

S. 11 makes it unlawful for any adopter or any parent or guardian, except with the sanction of the court, to receive any payment or other reward in consideration of the adoption of any infant.

S. 12 deals with all *de facto* or existing adoptions and empowers the court on the application of the person who has the custody, maintenance and education of any infant to confirm such *de facto* adoption and without requiring the consent of any parent or guardian upon being satisfied that in all the circumstances it is just and equitable and for the welfare of the infant.

The remaining sections contain powers for the variation or discharge of any adoption order by the Supreme Court on application made to it by a law officer and for the consequent restoration of the child and its natural parents and the adopter to the same position *inter se* as existed immediately before the adoption order was made (s. 13); confer power on the Secretary of the Children's Welfare Department to take steps to obtain adoption orders in the case of wards of that Department in lieu of boarding out, etc.: and require the Government Statist to establish and maintain a register to be called "adopted children's register," in which shall be made such entries as are directed to be made therein by adoption orders. Upon an application for an adoption order, if there is proved to the court (*a*) the date of the birth of the infant and (*b*) the identity of the infant with a child to which any entry in any register book of births relates, then the adoption order states the date of the birth and directs such birth entry in such register book to be marked with the word "adopted" and to include in the entry in the adopted children's register recording the adoption the date stated in the order. A certified copy of any entry in the adopted children's register is made evidence of the adoption, and where the entry records the date of the birth of the child, evidence of the date of such birth. The Government Statist is also required to keep such other register and books and make such entries therein as are necessary to record and make traceable the connexion between any entry which has been marked "adopted" in any register of births, and any corresponding entry in the adopted children's register, and such other register and books are not to be open to public inspection or search except under order of the court. Further and finally, provision is made for the registration of the adopted child in the name of the adopting parent, *i.e.*, when an adoption order has been made in respect of any child registered under the Births, Deaths and Marriages Act, the Government Statist on application and on payment of the fee may direct the registrar of births, marriages and deaths having custody of the register containing the original entry of birth to make a fresh entry therein of the birth of the child with particulars of the date and place of birth and the Christian name or names of the child and the surname of the adopter conferred on the child, and the sex of the child, and the name and surname, address and occupation of the adopter, and the date of the adoption order and a description of the court by which the same was made.

Agricultural Education.—No. 3611 provides for further payments out of the Consolidated Revenue to the University of Melbourne to be applied for the purpose of agricultural education and research; amends the provisions of the principal Act relating to the appointment of graduates in agricultural science to the public service of Victoria; and appropriates certain moneys for the carrying on of agricultural colleges and for buildings, investigations and educational work in relation to irrigation.

Petrol Pumps.—No. 3613, entitled an Act relating to Petrol Pumps, defines a petrol pump as any pump for supplying motor spirit. Its purpose is to authorize municipal councils to license the erection at kerbsides of what are popularly known as Bowsers. This it does by enabling municipalities to grant licences to any person carrying on the business of selling or supplying motor spirit (s. 3), but so that a licence shall not be granted in respect of a petrol pump obstructing the thoroughfare or not complying with regulations, which s. 7 empowers a municipal body to make. By s. 6 a municipality may with the approval of the Governor in Council make by-laws with respect to (*inter alia*) the placing, fixing, maintaining of petrol pumps, the granting, renewal and transfer of licences, and prescribing fees. Provision is made (s. 8) in cases where a petrol pump seems to the local body to be an obstruction or to become dangerous for requiring the licensee to abate such a matter, and on refusal to comply therewith for the council to act itself, and the licensee is made guilty of an offence against the Act. By s. 10 only special kinds of tanks shall be used in supplying motor spirit to the pumps, and lastly, s. 11 provides a general penalty for an offence against the Act of not more than £20, and in a case of continuing offence to a further penalty of £2 per day after conviction.

Justices. — No. 3619 extends the jurisdiction of courts of petty sessions, consisting of police magistrates sitting alone, to all causes of action determinable summarily which arise (*a*) out of a contract express or implied, and (*b*) out of any tort, and where the amount of damages sought to be recovered is not more than £50. Exceptions are made of the following matters: duties, gaming or wagering, wills and settlements, trade names or slander of title, illegal arrest, false imprisonment, malicious prosecution, defamation, seduction or breach of promise. A limited power to decide questions relating to title to land is also conferred. The necessary machinery is provided, and power given to the Governor in Council to make rules of procedure and of professional costs and charges. By s. 8 no more than £30 shall be allowed to any party as costs in the higher court on an order to review. The remaining sections of the Act deal with the matter of the bail of an accused person and are directed at preventing straw bail. They require those persons who are authorized to accept bail to make full inquiries as to the means of the sureties, and in addition require the sureties to make an affidavit or declaration of justification.

Marriage.—No. 3620 deals in Part I with certain amendments of the principal Act affecting mainly maintenance orders, and in Part II brings in new provisions as to the guardianship of infants.

S. 2 enacts that the jurisdiction and power exercisable under Parts III and IV of the principal Act by any two justices may also be exercised by a police magistrate sitting alone, the idea being to confer this jurisdiction upon a specially qualified and specially independent magistrate wherever such a course is practicable.

S. 5 enacts that a defendant shall for the purposes of Part III of the principal Act be deemed to have deserted his wife or child or children if it is proved that the wife had left the home of the defendant or had taken the child or children from such home because (*a*) he had been guilty of cruelty to his wife or such child or children ; (*b*) had knowingly or negligently infected his wife with any venereal disease ; (*c*) had done any act or used any threat with a view to compelling or inducing his wife to submit herself to prostitution or carnal intercourse with any other man; or (*d*) was an habitual drunkard. It further enacts that in such cases an offer by the defendant to provide a home for his wife or such child or children shall of itself be sufficient answer to a complaint for maintenance. For the purposes of the section " cruelty " means such conduct on the part of the defendant to his wife or any child or children of the defendant, including (i) actual violence or acts of a physical character; or (ii) grave insults or offensive conduct, although not amounting to actual physical violence; or (iii) drunkenness as would make it in the opinion of the court unsafe, having regard to the risk of life, limb, bodily or mental health, for the wife or the child or children to continue to live with him. " Habitual drunkard " means a person who by reason of habitual intemperate taking or using of any intoxicant is at times (i) dangerous to himself and others or a cause of terror to others; or (ii) a cause of serious harm or suffering to his wife or to any such child or children or to other persons; or (iii) incapable of managing himself or his affairs. " Intoxicant " means any liquor within the meaning of the Licensing Acts or any sedative, narcotic or stimulating drug or preparation.

S. 6 confers power on the court, on the application of the wife and on notice to the defendant, to give the custody of any of the children while under the age of 16 years to the wife.

S. 7 enables substituted service of a summons or of a maintenance order to be made.

S. 8 contains various provisions as to orders of maintenance: (*a*) proof of adequate support of his wife or children is to be an answer to proceedings under the order; (*b*) an application to the court of general sessions to quash, discharge, confirm or vary an order for maintenance, if it is proved that a necessary party is absent from the Commonwealth or his residence is unknown, or he cannot be found, the court may proceed *ex parte* or upon such notice by advertisement as the court directs, hear and determine the application as if such party had been duly served with notice of the application; (*c*) where proceedings for judicial separation or for dissolution of marriage have been initiated by a wife or husband the justices or court of petty sessions are to abstain from adjudication of any complaint by the wife or by any person on her behalf until the determination of such proceedings; (*d*) to the power of a court of general sessions to quash, confirm or vary an order made for maintenance by magistrates is added a power also to " discharge " such order; (*e*) an amendment is made in the terms of s. 139 of the Justices Act, 1915, the effect of which is to give the court of general sessions a constant supervising control over the orders of maintenance made by justices; (*f*) the court of general sessions is empowered to hear and determine any complaint for maintenance with respect to which the justices have refused to make an order, and its power to award costs in any such case is fixed at £10 as a maximum.

S. 12 prohibits the publication of reports of proceedings for the maintenance of illegitimate children and for confinement expenses under a penalty of £500 as a maximum or imprisonment for not more than 4 months or to both; and the preceding section enlarges the existing restrictions on the persons who may be present on the hearing of such proceedings by making the same restrictions apply to proceedings by way of appeal or review to the higher courts.

Finally, s. 13 dispenses with the requirement of corroboration in proceedings for the maintenance of illegitimate children unless the alleged father denies on his oath the allegations in the complaint as to the paternity of the child.

Part II follows and adopts, in the main, the provisions of the Imperial Act, 15 & 16 Geo. V, c. 45, dealing with the Guardianship of Infants. In addition, it substitutes in s. 23 new provisions for those of the principal Act dealing with the consent required to the marriage of minors.

6. WESTERN AUSTRALIA.

[*Contributed by* F. L. Stow, Esq.]

Two sessions of the Western Australian Parliament were held in the year 1928. The first dealt with one measure only—the Act for the adoption of the financial agreement made between the Governments of the Commonwealth and the States. As this agreement will be fully dealt with in the review of the legislation of the Commonwealth, it is unnecessary to say more about it here.

During the second session 44 public Acts were passed. None of these is of outstanding importance, and but few of them are of sufficient general interest to call for special mention.

Fertilizers.—No. 10 replaces earlier statutes dealing with the sale of fertilizers. The object of the Act is to make better provision for registering fertilizers and ensuring that a purchaser shall get the article for which he has paid; and that where any person sells a fertilizer it shall be sold under a registered brand, and the composition thereof shall correspond with that registered in respect of such brand, subject to a margin of permissible variation. Further, the Act penalizes any person who sells any fertilizer of a kind or description for which a standard is prescribed, which is not in conformity with the standard and differs therefrom otherwise than in the manner and to the extent allowed by the regulations made under the Act.

This measure is the outcome of a conference of Ministers of Agriculture held in Melbourne in 1923, as a result of which a draft Bill was prepared, with the assistance of the agricultural chemists of the various States, which, it was hoped, would embody the best provisions of the various Acts in force in Australia.

The measure now under review differs in some respects, though not materially, from such draft Bill. As compared with the statutes which it supersedes, this Act provides for the giving of fuller and more accurate details in applications for registration of fertilizers and for annual registration and payment of an annual fee in lieu of the previous system of a single gratuitous registration. Further, the provisions for preventing the sale of fertilizers which are not up to standard, and for the regulation of the sale of agricultural lime and gypsum, are distinctly in advance of the previous legislation.

Police Offences (Drugs).—The purposes of Act No. 11 are to regulate the manufacture, sale, possession, distribution and supply of opium and certain other dangerous drugs.

It is based on the Imperial Dangerous Drugs Act, 1920, 10 & 11 Geo. V, c. 46, as amended in 1923 by 13 Geo. V, c. 5. With a view to uniform legislation in the Commonwealth, the measure also incorporates provisions of the New South Wales Act, No. 7 of 1927.

The drugs to which the Act applies are morphine, cocaine, ecgonine and diamorphine (commonly known as heroin) and their respective salts, and opium and any preparation, admixture, extract or other substance containing not less than one-fifth per cent. of morphine or one-tenth per cent. of ecgonine, cocaine or diamorphine.

The Opium Smoking Prohibition Act, 1913, is repealed, but severe penalties are imposed by the Act now under review on persons who manufacture, sell or deal in prepared opium, or have such drug in their possession, or smoke or otherwise use prepared opium, or are the owners or occupiers of premises in which opium is smoked, prepared or sold or otherwise dealt with.

With regard to the other drugs to which the Act applies, it is provided that if any person has in his possession, or attempts to obtain possession of, any such drug, he shall be guilty of an offence and subject to heavy penalties, unless he is licensed under the regulations, made under the Act, to manufacture or supply the drug, or is otherwise licensed under the regulations to be in possession of the drug, or the drug was supplied for his use by a medical practitioner or veterinary surgeon, or on or in accordance with a prescription complying with the conditions prescribed by the regulations.

Extensive powers of making regulations are given by the Act, including power: (*a*) to prohibit the manufacture of any drug to which the Act applies except on licensed premises and subject to the conditions specified in the licence; (*b*) to prohibit the manufacture, sale and distribution or supply of any such drug, except by licensed persons; (*c*) to regulate the issue by medical practitioners or veterinary surgeons of prescriptions containing any such drug, the dispensing of such prescriptions and the supply of any such drugs thereunder; and (*d*) to provide that any specified breach of the regulations shall be regarded as "infamous conduct in a professional respect" within the meaning of any Act, or misconduct sufficient to justify the removal of the name of the offender from a register under any Act.

The regulations are to contain exceptions in favour of pharmaceutical chemists and others who may be in possession of or deal with drugs for business or professional purposes.

Feeding Stuffs.—Act No. 15 re-enacts with some modifications the provisions of the Fertilizers and Feeding Stuffs Act, 1904, so far as they relate to food for stock.

In the compilation of the measure the Imperial Acts of 1906 and 1926 relating to the subject have been duly considered, and also the Victorian Stock Foods Act No. 3482 (1926).

S. 4 prescribes standards for bran and pollard, and gives power to the Governor to prescribe standards for other foods for stock and to make regulations for ensuring the purity and conformity to standard of such foods.

Wheat Bags.—Act No. 17 provides that no person who is a grower of wheat shall sell or export, or deliver or consign to any other person for sale or export on his behalf, wheat in bags or other packages, unless every such bag or package is durably and legibly stamped with the name and address of such grower, or with a brand registered by the grower under the Brands Act, 1904.

Dogs.—Act No. 24 increases the severity of the law relating to dogs. It enacts that registration of a destructive dog may be refused, and it authorizes the laying of poison for the destruction of dogs wandering at large or trespassing in any field or place where sheep or cattle are kept or depasturing, but so that no poison shall be laid within one chain of a main road. The Act, further, authorizes justices, when they have convicted the owner of a dog which has bitten any person, to order the destruction of the dog.

Electoral.—Owing to the shifting and unequal increase of population, the electoral districts fixed in 1911 have for some time been in need of radical alteration, in order that the Legislative Assembly may be rendered more truly representative of the people of the State.

An attempt to effect this reform was made in 1923 when Commissioners were appointed to re-divide the State into electoral districts, but the districts recommended failed to secure the endorsement of the Parliament which was then about to expire. The next Parliament did not see fit to deal with the matter at all, so that two Assemblies have been elected on the basis of electorates which were recognized by all parties to be out of date and not calculated to give a justly representative result.

Act No. 25 determines the manner in which the re-division of the State shall be made.

The State, exclusive of the north-west, is to be divided into three areas—(1) the Metropolitan, (2) the Agricultural, and (3) the Mining or Pastoral, areas.

For the purposes of the Act the number of electors in the Metropolitan Area is deemed to be reduced by one-third, and in the Mining and Pastoral Area each elector is reckoned as two, the electors in the Agricultural Area being taken at their actual number. Subject to this adjustment, a quota is directed to be ascertained by dividing the aggregate number of electors by 46. The number of electors in each area (subject to the aforesaid adjustment) will then be divided by the quota, and the number of single-member constituencies into which each area is to be divided will be thus ascertained. Whenever the last division shall show a fraction the Commissioners will have power either to disregard it or to increase the number of electorates to be allotted to the area to the next higher integral number, but so that the aggregate number allotted to the three areas shall be 46.

The Commissioners are directed to carve each area into its allotted number of electoral districts, giving each district within an area, as nearly as may be, an equal number of electors, with a strictly defined power, however, of so delimiting any district that it shall contain a greater or lesser number.

The north-west portion of the State will remain, as at present, divided into four districts—the Commissioners having power to readjust the respective boundaries thereof in such manner as they think fit.

Group Settlement.—Act No. 34, though dealing only with questions of finance, is of interest in throwing some light on the State's scheme of group settlement.

An Act of 1925 provides that the grant to a settler of his holding shall be subject to the payment of a proportionate part of the expenditure (including capitalized interest) chargeable to the group settlement area in which the holding is comprised. This Act empowers a Board, which is to be appointed for the purpose, to reduce the amount apportionable to each holding to such extent as its apportioned part of the expenditure shall be found by the Board to be in excess of the capitalization which the holding can reasonably bear, having regard to the prospective income derivable therefrom. A considerable writing off is thus foreshadowed.

Town Planning.—By Act No. 39 there is established yet another Board, to be called the "Town Planning Board," which is to consist of a commissioner and three other members, of whom one must be an architect, another an engineer or surveyor, and the third a person possessing special qualifications in the business to be dealt with by the Board. The administration of the Act will be in the hands of a Minister of the Crown, whom it will be the Board's duty to advise and assist. What the expression "town planning" is intended to include may be gathered from s. 6, which provides that a town planning scheme may be made with reference to any land with the general object of improving and developing such land to the best possible advantage and of securing suitable provision for traffic, transportation, disposition of shops, residence and factory areas, proper sanitary conditions and convenience, parks, gardens and reserves, and of making suitable provision for the use of land for building or other purposes. With these objects in view the scheme may provide for planning or reconstructing the whole or any part of the area comprised in such scheme. A local authority may prepare such a scheme with reference to any land within its district or partly within its district and partly within any adjacent district.

A local authority is also empowered to adopt, with or without modification, any such scheme proposed by all or any of the owners of any land to be affected thereby.

No scheme is to have any effect unless approved by the Minister; but when approved it is to have such force and effect as it would have if enacted by the Act, though it may be superseded or modified by a subsequent scheme.

The Minister is empowered to make regulations for carrying out the general objects of town planning schemes. A list of subjects on which the Minister may exercise his regulation-making power occupies about three pages of a schedule to the Act. It is impossible to summarize the list; but a fair idea of the extraordinarily extensive nature of the powers that may be conferred on persons authorized to make and approve town planning schemes can be gathered from a perusal of paragraphs 6, 7 and 8 of the schedule, the last of which includes the limitation of the number of apartment, tenement, detached or other dwelling houses to the acre, generally or in any particular locality, and the extent to which each subdivision, allotment or parcel of land is to be built upon. The former two paragraphs enumerate various matters with regard to which regulations may be made in connexion with the replanning or reconstruction of a scheme area or with the buildings thereon. These matters may be summarized as follows: (*a*) The pooling of the lands of several owners, and the redivision of the lands among the owners; (*b*) The provision and making of new roads, streets or rights of way; (*c*) The adjustment and alteration of boundaries of lands, roads, streets and rights of way; (*d*) The effecting of consequential exchanges of land, the cancellation of existing subdivisions, the making of any necessary adjustment of rights and the vesting of such lands, roads, streets and rights of way; (*e*) The height, dimensions, location and general character of buildings; (*f*) The demolition and alteration of buildings; (*g*) The prevention of the erection of ugly buildings which may destroy local amenities.

Regulations made by the Minister shall be deemed to be embodied in every scheme except in so far as thereby negatived or modified.

The authority responsible for the carrying out of a scheme will be the local authority, or, where the land affected is in the districts of more than one authority, or is in the district of a local authority by which the scheme was not prepared, then the responsible authority may be one of such local authorities, or partly one and partly another, as determined by the Minister.

Still further provision for the exercise of a benevolent despotism is made by s. 10, which empowers the responsible authority to: (*a*) remove, pull down, or alter any building or other work which has been commenced or continued after the approval of a scheme and which is such as to contravene the scheme ; and (*b*) execute any work which it is the duty of any person to execute under the scheme in any case in which delay appears likely to prejudice the operation of the scheme.

Any expenses incurred by the Board are made recoverable from the person in default.

Any questions arising under the section are to be referred to the Minister as arbitrator, and his decision is to be final.

Compensation is to be payable by the responsible authority to any person suffering damage by the carrying out of a scheme, and there is also a provision that whenever, by the expenditure of money by the responsible authority in carrying out any scheme, any land is increased in value, the responsible authority is to be entitled to recover from the owner one-half of such increase, provided the claim of such authority is made within the time limited by the scheme, not being less than three months after the approval of the scheme.

Where an owner subdivides his land the subdivisional plan must be submitted to the Board for approval, and even Crown lands cannot be laid out as a town or village unless the Board shall first have prepared, and the Minister approved, a town planning scheme in respect thereof.

Extensive powers of borrowing money and of making what are called " town planning " by-laws are conferred by the Act on local authorities.

Poor Persons' Legal Assistance.—Act No. 43 provides greater facilities for persons suing or defending *in forma pauperis*.

A poor person is defined as one who is not worth £50 (excluding his wearing apparel and tools of trade and, in a civil proceeding, the subject matter of such proceeding) ; but the wealth of such person's husband or wife is to be taken into account, and he must prove that he has not earned the basic wage determined and declared under the Industrial Arbitration Act during the previous twelve months.

The benefit of the Act is not, however, confined to poor persons as thus defined, for any person who proves that special circumstances incidental to his case necessitate legal assistance, which his means do not enable him to obtain, is also to be deemed a poor person.

The Governor is empowered to authorize the Law Society of Western Australia or a committee thereof (to be approved by the Chief Justice) to perform certain duties in connexion with the administration of the Act ; but there is a power of substitution, for, if the Society is not willing to act, a public solicitor may be appointed to act in lieu thereof, and there is also power to authorize a legal practitioner to act in any particular case in which the public solicitor is not available.

By s. 4 the Minister is required to keep a list of qualified legal practitioners willing to inquire into and report upon the applications of poor persons for legal assistance, and to act on behalf of such persons for the remuneration and subject to the conditions prescribed by regulations made under the Act.

Assistance under the Act may be given to any person accused of a criminal offence. Such a person may make application to the Minister for assistance, and the application will be referred to the Law Society, who, if satisfied that the applicant is a poor person, may so report to the Minister, and a practitioner may thereupon be appointed by the Minister to defend him.

The rules of the Supreme Court relating to suing and defending *in forma pauperis* (which are the same as the rules in force in England prior to 1914), including any amendments thereof, are extended to all poor persons as defined by the Act, and a similar extension is made in respect of Matrimonial Causes rules. Further, the Supreme Court rules are to apply to proceedings in local courts or under the Workers' Compensation Act.

A poor person desirous of receiving legal assistance in a civil cause may make application to the Minister, but he must lodge therewith a statement of his case for the opinion of counsel, with a statutory declaration verifying the statements of fact made therein. This application will be referred to the Law Society, and if they make a favourable report the Minister may assign some legal practitioner to render the necessary assistance. This practitioner must then apply to a judge for an order that the applicant be admitted to sue or defend *in forma pauperis*, and if an order is obtained, the same, or some other practitioner approved by the Minister, is to act for and conduct the case of the applicant until it is finally disposed of. If a public solicitor has been appointed, he may be appointed to render the necessary legal assistance in any case.

The Act extends to appeals from decisions of the Supreme Court or of any inferior court.

All costs which but for the Act would be payable to a poor person receiving legal assistance are to be a debt due to the Crown recoverable at the suit of the Crown solicitor, and are to be paid into consolidated revenue.

If in any proceeding a person receiving legal assistance recovers more than £50, he is to be liable to pay to the Crown the taxed costs of the practitioner assigned to him as between solicitor and client, to the extent that they are in excess of the party and party costs recoverable from the other side. Such costs are to be payable into consolidated revenue; but the assisted person's liability is limited to one-fourth of the amount recovered by him.

The provision just quoted may have the effect of depriving every poor person who recovers more than £50 of a considerable portion of the fruits of victory, for it is by no means clear that the rule laid down in *Carson* v. *Pickersgill* ([1885], 14 Q.B.D. 859)—that no profit costs can be allowed on taxation in favour of a pauper—has been abrogated by the Act. This doubt could, however, be cleared up by the passing of a new rule of court permitting the recovery of such costs in suits *in forma pauperis*, and there would be nothing unfair in such a rule, seeing that the Act makes provision for payment, out of moneys to be appropriated by Parliament, of costs which an unsuccessful poor person receiving legal assistance may be liable to pay to the opposite party.

7. PAPUA.

[*Contributed by the* HON. MR. JUSTICE GORE.]

During the year 1928 nine Ordinances were passed, out of which the following may be noticed:

Native Labour.—No. 1 amends the Native Labour Ordinance, 1911–1920, by providing for permits to be granted to send natives beyond the Territory to places within defined limits for educational purposes. It also adds to the places beyond the Territory to which a native may be removed as a personal attendant under a permit. The Schedule contains the form of permit to be used in the case of removal for the purpose of education.

Corporations as Joint Tenants of Property.—No. 4 enables a body corporate to acquire and hold real and personal property in the same manner as if it were an individual, but subject to the like conditions and restrictions attaching to the acquisition and holding of property by a body corporate in severalty.

Customs.—No. 5 amends the Customs Ordinance, 1909–1916, so that the provisions thereof shall apply to commercial aircraft. The Ordinance shall commence on a date to be fixed by the Lieutenant-Governor by proclamation published in the *Gazette.*

IV. NEW ZEALAND.

[*Contributed by* J. CHRISTIE, ESQ., LL.M., *Parliamentary Law Draftsman.*]

Acts passed: Public Acts—58; Local Acts—23; Private Acts—4.

The only Act of the New Zealand Legislature passed in its session of 1928 that deserves special mention is the British Nationality and Status of Aliens Act (in New Zealand). In 1923 an Act was passed retaining the system of local naturalization in preference to the system of Empire naturalization contemplated by Part II of the Imperial Act.

As all the other self-governing Dominions had adopted Part II of the Imperial Act, it became increasingly difficult for New Zealand to maintain its former policy, and the Act now passed to adopt Part II of the Imperial Act brings New Zealand into line with the rest of the Empire. A system of local naturalization has been retained for the benefit of those inhabitants of the Cook Islands and of the mandated territory of Western Samoa who cannot comply with the requirements of the Imperial Act as to the possession of "an adequate knowledge of the English language." The Act is reviewed more fully in its proper numerical order.

The following review deals only with the more important Acts passed during the Session:

Compilations and Consolidations.—The labours of the Compiler of Statutes are represented in the Education Reserves Act; the Orchard and Garden Diseases Act; the Noxious Weeds Act; the Post and Telegraph Act; the Magistrates' Courts Act; the Inspection of Machinery Act; and the Public Works Act. As they left the hands of the compiler, these measures were compilations of existing law, but in their progress through Parliament the opportunity was taken to make certain amendments of minor importance. No less than seventy-seven separate enactments have been replaced by the seven new Acts here referred to. Four other Acts consolidating, reconstructing and amending the law have been passed, namely: the Rabbit Nuisance Act; the Divorce and Matrimonial Causes Act; the Public Reserves, Domains and National Parks Act; and the Auctioneers Act. The preparation of these measures did not come within the functions of the compiler, as they all contain new law, and the former law has to a large extent been re-written and re-arranged. These latter Acts will be referred to again in their appropriate numerical order.

Unemployment.—By the Local Authorities Empowering (Relief of Unemployment) Act, 1926,[1] temporary authority was conferred on local authorities to borrow money (without the necessity of taking a poll of ratepayers) for public works undertaken in relief of unemployment. This authority was extended in 1927, when provision was made for the payment to local authorities out of the Consolidated Fund of subsidies (not exceeding £150,000 in the aggregate) on amounts expended by them on public works undertaken as aforesaid. The Local Authorities Empowering (Relief of Unemployment) Amendment Act (No. 2) extends the duration of the aforesaid authority to borrow until June 30, 1929, and increases to £300,000 the maximum amount that may be paid by way of subsidies out of the Consolidated Fund.

Surveyors' Registration.—A system for the licensing and registration of surveyors has been in force for many years; the purpose of the present Act (No. 6) is primarily to bring the legislation affecting surveyors into conformity with more recent legislation relating to other professions. Certain alterations have at the same time been made in the law for the purpose of facilitating reciprocity with other Dominions.

Rabbit Nuisance.—Legislation as to the "rabbit nuisance" has been in force in New Zealand for over fifty years; the present Act (No. 8) is a reconstruction and amendment of existing legislation. The fact that upwards of twenty million rabbit-skins are exported annually indicates the extent of the spread of rabbits throughout the country.

Industrial Conciliation and Arbitration.—Two separate Acts were passed during the session in amendment of the Industrial Conciliation and Arbitration Act. By the first of these (No. 11) the Arbitration Court was prohibited for one year from making any award relating to farming or pastoral operations, except with the consent of the parties. The second amending Act (No. 56) was passed to permit, with the consent of all parties, the inclusion in an award or agreement of provisions prescribing a basis or method for the adjustment of wages over a period of *five* years. The maximum term that can be fixed for the duration of other provisions in an award or agreement is three years. The latter amendment contemplates the possibility of an agreement being arrived at between employers and workers for the automatic adjustment of rates of wages in accordance with certain governing conditions. A period of three years would not permit of the operation of a satisfactory "sliding scale."

Protection of Lessees.—The Property Law Amendment Act (No. 13) is an extension of the principles governing the grant of relief to lessees against forfeiture. It applies with respect to leases that contain provisions for renewal subject to the performance of certain conditions by the lessee. It has happened that a lessee, having substantially complied with all the conditions of his lease, has been inequitably refused a renewal because of a technical breach not affecting the security or interests of the lessor. It is to prevent the recurrence of such cases that the present Act has been passed; it enables the court in any such case to review all the circumstances, and, if in its opinion the lessee is equitably entitled to a renewal, it may order the lessor to grant the same.

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[1] *Vide Journal of Comparative Legislation*, Third Series, vol. x, pt. ii, p. 101.

Divorce.—In the main the Divorce and Matrimonial Causes Act (No. 16) is a consolidation of the existing law. In particular it does not alter the grounds on which decrees of divorce may be granted. The language of the Act of 1908 (which has now been repealed) was the language of the original Act of 1867, and this has in some instances been modernized and the language of the Imperial Act[1] has, wherever possible, been substituted. The compilation of the new Act was largely the work of the late Sir William Sim, a Judge of the Court of Arbitration from 1907 until 1911, and thereafter a Judge of the Supreme Court until his death on August 30, 1928. The late Judge was the recognized authority in New Zealand on the law of divorce and domestic relations.

Statutory Land Charges Registration.—The object of No. 18 is to require the registration under the Land Transfer Act, or the Deeds Registration Act, as the case may require, of statutory charges affecting land. Charges of the kind referred to are frequently created for the purpose of securing to local authorities and other public bodies the payment of expenses incurred by them in carrying out certain of their statutory powers and duties resulting in the permanent improvement of lands affected. For example, expenditure incurred by a local authority for the installation of private drains, or in the abatement of nuisances on private lands, is secured by a charge on the lands affected. Some Acts, in creating charges, make provision for their registration, but the general rule has been merely to create the charge, which continues effective notwithstanding that no machinery for its registration existed. The Act now under review makes the necessary machinery provisions for registration. Failure to register a charge will not affect its validity, but an unregistered charge will be defeated by a subsequent sale or other disposition of the property affected. In this respect the provisions of the Act are similar to the provisions of s. 13 of the Land Charges Act, 1925 (Imperial).

Taxation.—The Land and Income Tax (Annual) Act (No. 19) is a repetition, without alteration, of the annual Act of 1927. The maximum rate of income-tax is 4*s*. 6*d*. in the £.

Cinematograph Films.—Prior to the passing of Act No. 20 the only legislation relating expressly to cinematograph films was the Cinematograph Films Censorship Act, 1916, and an amending Act, passed in 1926, that provided for the censorship of posters and other advertisements relating to cinematograph films. Regulations to ensure public safety were made under the Explosives and Dangerous Goods Act with respect to the storage, transport and projection of films. As a result of deliberations at the last Imperial Conference, the Government adopted its policy of requiring the exhibition of a certain proportion of British films, and the opportunity has been taken of including in one Act all the statute law specially affecting the film business. The Act is divided into Parts as follows: Part I, Censorship of Films and Posters; Part II, Registration of Films; Part III, Storage, Transport and Projection of Films;

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[1] The Supreme Court of Judicature (Consolidation) Act, 1925 (Imperial).

Part IV, Provisions for securing Quota of British Films; Part V, Restrictions on Advance Bookings, and Relief from Blind Bookings; Part VI, Miscellaneous.

In Part I (Censorship) the only noteworthy addition to the law is in the power given to the censor to take into consideration, in relation to a film submitted for approval, any mechanical reproduction of sound that may accompany the exhibition of the film.

The purpose of Part II (Registration) is mainly to provide machinery for securing compliance with the later provisions of the Act as to the "British quota."

Part III enables the Governor-General in Council to make regulations prescribing conditions to be observed with respect to the storage, transport and projection of films, so as to ensure the protection of life and property. These regulations will in the main be a re-enactment of existing regulations made under the Explosive and Dangerous Goods Act.

Part IV (as to "quota" of British films) relates wholly to what are known as "feature films," and imposes on "renters" an obligation to acquire in each year not less than a fixed percentage of British films, and also imposes on "exhibitors" an obligation to exhibit in each year not less than a fixed percentage of such films. The "renters" quota for the years 1929–38 is fixed as follows: 1929, 7½%; 1930, 10%; 1931, 10%; 1932, 12½%; 1933, 15%; 1934, 17½%; 1935, 17½%; 1936, 20%; 1937, 20%; 1938, 20%.

The "exhibitors' quota" for the years 1930–39 is as follows: 1930, 5%; 1931, 7½%; 1932, 7½%; 1933, 10%; 1934, 12½%; 1935, 15%; 1936, 15%; 1937, 20%; 1938, 20%; 1939, 20%.

Provision is made for the modification of the "quota" requirements by the Minister where, for any reason, it is impracticable to comply with them.

Maintenance Orders.—The Maintenance Orders (Facilities for Enforcement) Amendment Act (No. 22) extends the provisions of the Maintenance Orders (Facilities for Enforcement) Act, 1921, so as to provide for the enforcement in New Zealand of Maintenance Orders made in a British Protectorate or in a mandated territory.

Mental Defectives.—The Director-General of Mental Hospitals (Dr. T. G. Gray, M.B.,Ch.B., M.P.C.) recently paid a visit of inspection to some of the most important of the mental hospitals in the United Kingdom, Europe and America, and the passing of the Mental Defectives Amendment Act (No. 23) is one of the results of his investigations. The Bill as introduced contained certain proposals that were not proceeded with. For example, provisions to authorize the sterilization of certain classes of mentally defective persons (with their own consent, or, in the case of minors, with the consent of their parents or guardians) were deleted from the Bill in its Committee stage. So also were provisions prohibiting the marriage of persons registered as mentally defective. The provisions as to the compilation of a register were retained, but in a somewhat modified form, and are referred to in more detail below.

The main provisions of the Act as it has reached the statute-book are as follows: (1) The term "mentally defective person" has been extended to include "persons socially defective"; that is to say, "persons who suffer from mental deficiency associated with anti-social conduct and who, *by reason of such mental deficiency and conduct*, require supervision for their own protection or in the public interest." (2) A special Board (of which the Director-General of Mental Hospitals is the chairman) has been established, to have regard to the welfare of those mentally defective persons who (not being persons of unsound mind or persons mentally infirm) are classifiable as "idiots," or "imbeciles," or "feeble-minded," or "epileptics," or "socially defective."

An obligation to furnish information as to cases of mental retardation or other forms of mental deficiency coming under their notice in the course of their official duties is imposed on the Director of Education, the Controller-General of Prisons, and on magistrates and justices; all reported cases are referred to a "psychological clinic" conducted under the immediate direction of a qualified psychiatrist, and only those cases that are reported to it after preliminary examination by a clinic actually come before the Board for determination as to whether or not the names of the persons affected should be registered. The decision of the Board is made subject to appeal to the Supreme Court, and the costs of appeal are to be met by the Board and not by the appellant.

It is intended to establish special homes for the reception of those registered persons who either require supervision in their own interests or are capable of being trained in manual or other suitable occupations, but no registered person is to be detained in the same institution as persons suffering from insanity.

One other provision of the new Act is worth noticing. Under the principal Act, except in emergency cases, patients could not be received into a mental hospital without the order of a magistrate made after inquiry on application supported by not less than two medical certificates. This procedure frequently involved the attendance at the court of the suffering patient, so adding to his own mental distress and to that of his friends. The amending Act authorizes the superintendent of a mental hospital to receive a patient, on application supported by two medical certificates; the superintendent is required forthwith to forward to a magistrate the medical certificates together with a certificate as to his own opinion of the case. A magisterial inquiry is then held, and, if the magistrate does not make a reception-order, the patient must be immediately released. With but one exception, all mental hospitals in New Zealand are conducted as State institutions, and the risk of a person being improperly detained in a mental hospital is infinitesimal.

Company Law.—The Companies Amendment Act (No. 25) adopts the provisions of s. 120 of the Imperial Act (8 Edw. VII, c. 69), as to compromises with creditors and members, and of s. 107 of the same Act (as to payment, out of assets subject to a floating charge, of certain claims in priority to claims under the charge). Without necessarily adopting the Imperial Act in its entirety, it is intended shortly to review the New Zealand Act in the light of recent Imperial legislation, and to pass a consolidated and amended Companies Act.

State Insurance.—The State Fire Insurance Amendment Act (No. 26) extends the authority of the State Fire Insurance Office to enable it to undertake insurance against loss or damage resulting from earthquake.

Main Highways.—Under the Main Highways Act, 1922,[1] provision was made for payment out of the Main Highways Account of one-third of the cost of maintenance and one-half of the cost of construction of all main highways, the residue being provided by the local authorities concerned. As the revenues of the Board increased, authority to vary these proportions has from time to time been given to the Main Highways Board by later legislation. By the Main Highways Amendment Act (No. 28) the Board is given authority to provide the whole of the cost of construction or maintenance of any main highway, or to contribute a greater proportion of such cost than is specified in the original Act. The revenues of the Board are mainly derived from taxes on motor-vehicles and from customs duties on motor-spirits and motor-tires.

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[1] *Vide Journal of Comparative Legislation*, Third Series, vol. vi, pt. ii, p. 100.

Auctioneers.—Act No. 29 replaces the Auctioneers Act, 1908, which was a consolidation of prior enactments. Hitherto the system of licensing auctioneers to carry on business has been in the hands of local authorities; on payment of the appropriate fee (£40 a year except in special cases), a licence was issued practically as of right. The Act of 1928 makes provision for the issue of auctioneers' licences by stipendiary magistrates, after inquiry in a magistrates' court; the same system has been in force for several years in respect of land agents.[1] Every applicant for an auctioneer's licence is required to furnish an approved fidelity bond to the amount of £500. The residue of the licence fees received under the Act, after deduction of a proportion to cover the reasonable cost of administering the Act, continues to be payable to local authorities.

An auctioneer's licence authorizes the holder "to carry on business as an auctioneer"; the licence nominates the person (being either the licensee himself or another person) having authority to conduct sales by auction. Where an auctioneer uses the services of two or more persons for the conduct of sales by auction, he is required to hold a separate licence in respect of each such person.

Music-Teachers.—The Music-Teachers Registration Act (No. 31) provides a scheme for the registration of music-teachers and makes it an offence, punishable by a fine of £20, for any unregistered teacher to hold himself out as being registered under the Act.

Dangerous Drugs.—By the Dangerous Drugs Act, 1927, it was provided that informations for the offence of being unlawfully in possession of drugs could be laid only by a Medical Officer of Health. This has in practice been found to be unworkable; in the case of opium in a form suitable for smoking, most of the offenders are Chinamen, and the officers of police are in a better position than the health officers to know of breaches of the law. The Dangerous Drugs Amendment Act (No. 32) amends the procedure by removing the limitation as to the laying of informations.

Electrical Wiremen.—Act No. 35 makes further provision to secure the performance of electrical-wiring work by competent workmen. To the extent to which the statute requires electrical-wiring work to be done by or under the supervision of registered electrical wiremen, it binds the Crown.

Land Laws.—Under the Land for Settlements Act, 1925,[2] the Government is empowered to acquire estates to be subdivided and then disposed of, by sale or lease, to approved applicants. Where two or more qualified persons are applicants for the same subdivision, a ballot is taken to determine the successful applicant. Part II of the Land Laws Amendment Act (No. 37) extends the powers of the Government to enable it to acquire land on behalf of persons already ascertained and, after subdivision, to sell it to them on a system of deferred payments.

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[1] *Vide Journal of Comparative Legislation*, Third Series, vol. v, pt. ii, p. 119.

[2] *Vide Journal of Comparative Legislation*, Third Series, vol. ix, pt. ii, p. 122.

Opticians.—Act No. 40 provides for the registration of opticians, and for the regulation of their practice. It is made an offence, punishable by a fine of £20, for any unregistered person to hold himself out as a registered optician. An optician is not, as such, entitled to describe himself as an "oculist," or "eyesight specialist," and these terms can be used only by registered medical practitioners; so also, only a registered medical practitioner has authority to administer any drug for the purpose of paralysing the accommodation of the eye, or otherwise for facilitating the measurement of the powers of vision, or to treat any disease of the eye by the use of drugs.

Summer-time.—The Summer-time Act, 1927 (by which summer-time was an hour in advance of standard time), originated as a private member's Bill. Being admittedly of an experimental nature, its duration was limited to the summer of 1927–8. The promoter (Mr. T. K. Sidey, M.P.) brought forward in the Session of 1928 a Bill to extend the duration of the original measure, but this Bill was defeated. Speaking generally, while the townspeople favoured the scheme, the farmers and other rural workers opposed it. As a compromise, a government Bill was afterwards introduced and passed, providing for summer-time being thirty minutes in advance of standard-time. The period of summer-time is from the second Sunday in October until the third Sunday in March. This measure (No. 42) is also for one year only.

Government Railways.—Prior to 1925, the official administration of the government railways was vested in a general manager; then a change was made to administration by a Board of three members. The present Act (No. 43) abolishes the Board, and again vests the administration in a general manager.

Copyright in Broadcasting Musical Works.—The Copyright (Temporary) Amendment Act (No. 47) is limited in its application to musical works broadcast during the period between October 1, 1927, and August 31, 1929. The reason for this limitation of time is that New Zealand is a party to the Copyright Convention signed at Rome on June 2, 1928, and will ultimately pass legislation in conformity with any corresponding legislation that may be passed in other countries parties to the Convention. In the meantime, however, it was found necessary to protect the existing broadcasting services. The Act declares in the first place that copyright in a musical work shall not be deemed to be infringed by the performance of such work, during the period aforesaid, in connexion with a broadcasting service. The purpose of this declaration is merely to remove the matter from the jurisdiction of the courts, and is not to deprive the owners of their legitimate rights. The Act then proceeds to make provision for the accumulation of a fund (by means of deductions from "listening-in" fees). All claims made by the owners of copyright in musical works in relation to the broadcasting of such works are to be made to a "competent authority" specially appointed to hear the same; such claims are to be proved as in cases of infringement, and amounts awarded by the "competent authority" to the several claimants are made payable out of the fund accumulated in the manner above referred to.

Motor-vehicles Insurance (Third-party Risks).—Act No. 52 imposes on all owners of motor-vehicles an obligation to protect themselves by insurance against "third-party" risks. The terms of the contract of insurance are defined by the Act, and no policy of insurance will be issued. Briefly the scheme of the Act is as follows:

Every insurance company that is prepared to do business in terms of the Act is required to give to the Registrar of Motor-vehicles notice in writing of that fact.

When he pays his annual licence fee in respect of a motor-vehicle, the owner is required to nominate the insurance company by which he wishes to be insured in respect of his "third-party" risks, and at the same time to pay the prescribed premium.

The nomination of an insurance company and the payment of the premium complete a contract of insurance between the owner and the company.

Subject to certain exceptions referred to below, the owner of the vehicle, on payment of a premium as aforesaid, is indemnified by the company against his liability to pay damages on account of the death of or of bodily injury to any person or persons where such death or bodily injury is the result of an accident happening at any time during the period in respect of which the insurance premium has been paid, and is sustained or caused by or through or in connexion with the use of such motor-vehicle in New Zealand.

The contract of insurance does not extend to indemnify the owner against claims of the following classes: (*a*) any claim made in respect of the death of or of injury suffered by any person living with the owner as a member of the same family, or in respect of the death of or of injury suffered by a relative of the owner where the degree of relationship is not more remote than the fourth; or (*b*) any claim made in respect of the death of or of injury suffered by any person in the service of the owner at the time of the accident; or (*c*) any claim against the owner of a motor-vehicle (not being a vehicle plying for hire or used in the course of the business of carrying passengers for hire) made in respect of the death of or of injury suffered by any person who was at the time of the accident in respect of which the claim has arisen being conveyed in the motor-vehicle, or was driving, or entering, or alighting from, or about to enter or alight from, such motor-vehicle; or (*d*) any claim against the owner of a motor-vehicle plying for hire or used in the course of the business of carrying passengers for hire, made in respect of the death of or of injury suffered by any person who (not being a passenger for hire) was at the time of the accident in respect of which the claim has arisen being conveyed in the motor-vehicle, or was driving, or entering, or alighting from, or about to enter or alight from, such motor-vehicle.

Claims of the kinds referred to above have been excluded from the operation of the Act because of the danger, if such cases had been covered, of collusion between the owners of motor-vehicles and the persons injured, to the prejudice of the insurance companies doing business under the Act.

As the true purpose of the Act is the safeguarding of the interests of pedestrians and other persons injured by motor-traffic, every person in charge of a motor-vehicle at the time of any accident affecting it (including, for example, the unwanted "joy-rider") is deemed to have been the agent of the owner acting within the scope of his authority in relation to such motor-vehicle.

The rates of premium are left to be prescribed by the Governor-General in Council; the Act contemplates that the rates will vary according to the purpose for which the vehicle is ordinarily used.

Religious and Charitable Trusts.—The Religious, Charitable and Educational Trusts Act, 1908, in defining the term " charitable trust " for the purpose of Part III and also of Part IV, enumerates certain charitable purposes; the two definitions had their origin in different Acts, one passed in 1871, the other in 1886, and, though similar, they are not identical. It is suggested that in neither case was the enumeration intended to be exhaustive but was by way of illustration only. The amending Act (No. 55) now passed removes any doubt and declares that for the purposes of Parts III and IV of the principal Act the term " charitable purpose " includes every purpose which in accordance with the law of England is a charitable purpose.

Parts III and IV of the principal Act provide machinery for the variation, in the one case by the Supreme Court, in the other by the Attorney General, of the trusts upon which any moneys or property may be held for particular purposes of a charitable nature. The amendment extends this power of variation to permit of the variation of the substituted purposes, including the restoration of the original charitable purposes.

Naturalization. — As has been already stated in the introductory remarks, the British Nationality and Status of Aliens (in New Zealand) Act (No. 58) is the most important of the fifty-eight public Statutes passed by the Parliament of New Zealand in the session of 1928. As a matter of policy, it has been reserved for His Majesty's assent. Its one purpose is the adoption of Part II of the Imperial Act; this purpose is effected by the unqualified statement that " Part II of the Imperial Act is hereby adopted." In this respect the Act proceeds on different lines from the Act passed by the Legislature of the Commonwealth of Australia, in which the various provisions of Part II are re-enacted, with adaptations, including, *inter alia*, provisions as to the effect in Australia of certificates of naturalization granted in the United Kingdom or in Dominions that have adopted Part II. The view held by the Government and Parliament of New Zealand is that the adoption of Part II confers on the proper authority in New Zealand the power, exercisable by the issue of certificates of naturalization, to create British subjects; and further, that British subjects so created are such in English law wherever they may be—equally in a foreign country as in the United Kingdom or elsewhere in the British Empire.

But while adopting Part II, it has been necessary to retain a system of local naturalization for those native inhabitants of Western Samoa and Cook Islands who cannot comply with the condition that requires of applicants " an adequate knowledge of the English language." So also persons heretofore naturalized do not acquire the more complete status until on application they become naturalized under the new Act. In the meantime, they retain their former local status.

In addition to the adoption of Part II of the Imperial Act and to the making of the necessary machinery provisions for the issue and recording of letters of naturalization, the Act now under review declares certain other provisions of the Imperial Act to be part of the law of New Zealand. The provisions referred to are: s. 1 (definition of natural-born British subject); ss. 10–12 (national status of married women and infant children); ss. 13–16 (loss of British nationality); ss. 17 and 18 (status of aliens); s. 2 and Second Schedule (form of oath of allegiance); ss. 25 and 27 (supplemental). In this respect also the New Zealand

Legislature has departed from the method of those Legislatures which have enacted provisions in the same terms as the sections above referred to; a reasonable inference from such provisions is that, in the opinion of those Legislatures, the enactment in the Imperial Act of, for example, a definition of the term "natural-born British subject" has no operation in any self-governing Dominion unless and until it is repeated there in express terms.

V. WESTERN PACIFIC.

I. FIJI.

[*Contributed by* P. A. McElwaine, Esq., *Attorney General.*]

During the year 1928 forty-nine Ordinances were passed. Several of these were minor amending Ordinances. The principal Ordinances of public interest are:

Pensions.—Ordinance No. 9 provides for the pensions of public officers and is on the lines of legislation recently passed in other Crown Colonies. The great majority of the Crown Colonies have been scheduled by Fiji.

Copra.—Ordinance No. 16 forbids the purchase of green copra in certain areas by unlicensed persons. Licences to purchase green copra may be issued to licensees who satisfy the Superintendent of Agriculture that they have established proper plant for drying copra.

Drugs and Poisons.—Ordinance No. 17 regulates the import, export, transit and diversion of opiates.

Marriage.—Ordinance No. 27 provides for the registration of Indian customary marriages.

Brands.—Ordinance No. 32 provides for the registration of brands and the regulation of the use of brands used for marking cattle. The impression of a registered brand is *prima facie* evidence of ownership.

Trespass.—Ordinance No. 33 provides for the fencing of cattle. The occupier of land within five miles of the municipalities of Suva and Levuka must keep his cattle confined by a fence. In other areas a District Commissioner may on the complaint of three separate owners or occupiers of land that cattle in the district constitute a nuisance by reason of trespass committed by them, order the owner to confine the cattle with a fence or destroy or remove them from the district. Provision is made for compensation to be paid by the owner of trespassing cattle.

Stamp Duties.—Ordinance No. 34 empowers the Governor in Council to exempt cheques supplied by banks from being stamped in consideration of periodical payments of the amount of duty payable in respect of the cheques.

Boy Scouts Association.—Ordinance No. 37 forbids the unauthorized wearing of the uniform of the Boy Scouts Association or the organization of any unauthorized body of Boy Scouts.

Summary Jurisdiction (Married Women).—Ordinance No. 39 closely follows the Summary Jurisdiction (Married Women) Act, 1895, the Married Women (Maintenance) Act, 1920, and the Summary Jurisdiction (Separation and Maintenance) Act, 1925.

Larceny.—Ordinance No. 40 is a consolidation of the English legislation of 1861–1916 on the subject of larceny.

Quarantine.—Ordinance No. 42 is based on the Australian Commonwealth Quarantine Acts, 1908–1927. It accords with the recommendations of the International Sanitary Conference, 1926.

Townships.—Ordinance No. 44 empowers the Governor to declare any area not being a town constituted under the Municipal Institutions Ordinance, 1909, to be a township. The Ordinance provides for Township Boards appointed by the Governor. The Boards have charge of certain sanitary and drainage services the charges for which are paid into a Township Fund from which the expenses are defrayed.

Customs Duties.—Ordinance No. 47 sets out the tariff on imported goods. Substantial preference is given to goods of British manufacture.

2. WESTERN PACIFIC.

[*Contributed by* His Honour W. K. Horne, *Acting Chief Judicial Commissioner.*]

i. British Solomon Islands Protectorate.

Ten King's Regulations were enacted during the year.

Immigration.—No. 1, amended by No. 10, provides for prohibition and deportation of undesirable immigrants.

Drugs and Poisons.—No. 2 gives effect to the Geneva Convention and makes provision for control of sale of poisons.

Malaita Murders.—No. 5 confers necessary powers on the Commissioner appointed by the Secretary of State to hold an inquiry into the circumstances connected with the murders of government officials in 1927; and No. 6 provides for the detention of natives removed from Malaita by the expeditionary force of armed police and naval units.

Postal.—No. 7 establishes a post office with facilities for parcel post, postal orders and money orders.

Lunatics.—No. 8 provides for a Public Lunatic Asylum under the care and superintendence of a medical officer; for apprehension of supposed lunatics by a Deputy Commissioner and for committal by him to the asylum upon the oath of a medical officer in circumstances involving danger to the lunatic or to other persons; for persons to be admitted on their own application and certification by a doctor; for discharge from asylum; for recovery of maintenance.

Pensions.—No. 11 repeals the Deceased Public Officers' Salary Regulation and provides for pensions and gratuities to European officers in the Protectorate Service. Pension Rules made hereunder group twenty other administrations as "scheduled Governments."

ii. New Hebrides.

One King's Regulation—No. 4—was made providing for punishment on summary conviction of certain offences committed by British subjects in the Condominium area.

iii. Gilbert and Ellice Islands Colony.

Four Ordinances were enacted during the year. Vaccination is made compulsory by No. 2, and regulation of mining is provided for by No. 3.

VI. SOUTH AFRICA.

1. UNION OF SOUTH AFRICA.

[*Contributed by* C. W. H. Lansdown, Esq., K.C., *Senior Law Adviser to the Union Government.*]

Finance.—Acts Nos. 2 to 5, 12, 16, 25 and 26 are concerned with the granting in the ordinary course of supplies for the carrying on of State services. The Financial Adjustments Act No. 21, as its title indicates, effects a number of amendments found necessary of statutory provisions governing certain financial matters, including certain adjustments of teachers' pensions, and provision for the manner in which the proceeds of State diamonds should be applied; the money realized from this source in any financial year, after certain payments, to be paid to the extent of 15 per cent. into the Revenue Account of the Consolidated Revenue Fund; the remaining 85 per cent. is applied to the Loan Account of that Fund.

Taxation.—Act No. 18 fixes the rates of normal income-tax and super-tax in respect of the year of assessment ending on June 30, 1928, and in addition makes certain amendments for the purpose of improving administration under the Income-tax Act No. 40 of 1925.

By Act No. 19 certain amendments were effected of the customs law and alterations made in the customs tariff. C. 2 of this measure deals with excise and, *inter alia*, makes provisions for the application of Natal and Cape excise laws to spirits and wine made in the Provinces of the Transvaal and Orange Free State.

Electoral.—Act No. 24 is a measure for the amendment of the Electoral Act, 1918. Its principal provision enacts that no person shall be registered as a voter in any division unless he has actually resided therein for a period of three months preceding the commencement of the registration or during that period retained his home therein notwithstanding temporary absence therefrom, or, in the case of certain claims, unless the claimant actually resided in the division on the day of the commencement of the registration and was so resident for at least three months previously. These residence requirements do not, however, of themselves disqualify a person for election as a member of either House of Parliament or of a Provincial Council.

The Act further provides for the retention of their registration qualifications by certain public servants during the periods of their temporary absence on public duty outside the Union, which for this purpose includes the mandated territory of South-West Africa.

Diamond Trade. The law for the regulation of the diamond trade operative in the Province of Natal having been found defective, Act No. 1 was passed to enable the Governor-General by proclamation to bring into operation in that Province all or any of the provisions of Ordinance No. 63 of 1903 of the Province of the Transvaal which regulates the diamond trade therein.

Iron and Steel Industries.—Act No. 11 is designed to promote the development within the Union of the iron and steel industries. It provides for the constitution and incorporation of a company under the name of the South African Iron and Steel Industrial Corporation Ltd., whose main objects will be to carry on the trades or businesses of iron and steel production, and for that purpose to purchase or otherwise acquire existing concerns, and to quarry and prepare iron ore or any other mineral capable for use in the production or treatment of iron or steel.

The operations of the corporation are to be managed or controlled by a board of seven directors, of whom four are to be appointed by the Governor-General and three are to be appointed by the private shareholders. The authorized share capital is £3,500,000 divided into 500,000 ordinary £1 shares to be subscribed by the Governor-General at par, and 3,000,000 ordinary £1 shares to be offered for subscription to the public at not less than par. With the approval of the Governor-General the Board may increase the share capital of the corporation by the creation and issue to the public at not less than par of 500,000 ordinary £1 shares.

In lieu of issuing any number of the shares thus to be offered to the public the Board may, with the approval of the Minister of Mines and Industries, create and offer to the public for subscription at not less than par and issue an equivalent number of preference shares.

In order to provide the moneys required for the capital expenditure of the corporation the Board is required to raise a loan of £1,500,000 by the creation of debentures carrying interest at a rate not exceeding 5½%, these debentures together with the relative interest being guaranteed by the Governor-General.

The Board is given all the necessary ancillary powers, and, save as otherwise provided in the Act, none of the provisions of the Companies Law (Act No. 46 of 1926) or of any other law relating to companies is to apply in respect of the corporation.

Wine and Spirits.—Act No. 17 amends in certain respects the rules for the control and disposal of wine and spirits framed by the Legislature in the Wine and Spirits Control Act No. 5 of 1924. In particular it effects a certain amendment in respect of the quality of the wine or spirits which may be sold or otherwise disposed of in the Union, spirits being excepted which are manufactured for export and re-distillation or rectification or for use in the fortification of wine, or in the manufacture of gin, liqueur or vinegar.

Railways and Harbours.—Act No. 7 amends in certain details the Railways and Harbours Service Act No. 23 of 1925 and the Railways and Harbours Superannuation Fund Act No. 24 of 1925. It further makes extended provision in respect of pension or other retiring benefits to certain railway and harbour servants.

Act No. 8 amplifies the Railways and Harbours Superannuation Fund Act No. 24 of 1925 by providing for the payment of retiring gratuities to certain persons in the service of the Railways and Harbours Administration.

Act No. 28 authorizes the modification of routes of certain lines of railway previously authorized by Parliament, and validates certain acts of the Railways and Harbours Administration, including the closing of the line of railway from Valley Junction to Walmer.

Public Health.—By Act No. 15 a number of provisions were enacted which, in the administration of the Public Health Act No. 36 of 1919, had been found to be necessary or desirable. These provisions include rules governing or amending the procedure in respect of the disposal of dead bodies, the refunding of certain expenditure incurred by local authorities on certain public health purposes, the reporting by medical practitioners of cases of venereal disease in a communicable form coming to their notice which are not under medical treatment, the exemption of conscientious objectors from the vaccination provisions of the Public Health Act, and the removal of nuisances.

The procedure prescribed for the exemption of conscientious objectors from vaccination includes an application made within six months of the birth of a child where the birth took place in the Union, or of the commencement of the Act in a case of a child in the Union at such commencement. Similar time limitations are imposed in respect of adults. The applicant is required to state on affidavit his conscientious objection and to set forth in detail the grounds thereof. If the Registrar of Vaccination is thereupon satisfied that the applicant has sufficient knowledge and intelligence to form an independent opinion on the subject, and that he has conscientious objections to vaccination on *bona fide* religious grounds, or has a genuine conviction that vaccination would prejudice or endanger the health of the person in respect of whom exemption is applied for, he may issue to the applicant a certificate of exemption in prescribed form.

Medical, Dental and Pharmacy.—The Bill for the consolidation and amendment of the laws in force in the Union relating to medical practitioners, dentists, chemists and druggists, nurses, midwives, masseurs and other classes of persons ; the importation, sale and use of habit-forming drugs ; and certain other associated matters, which had been before the Union Parliament for a number of years, was made law in the 1928 session and became Act No. 13 of that year. Provision is made by s. 99 (1) of the Act for the extension of the measure to the mandated territory of South-West Africa with such modifications of an administrative nature as the Governor-General may deem necessary, care being taken for the preservation of the rights of existing practitioners and for the representation of practitioners of the territory upon the bodies appointed for the control of the professions concerned.

In C. 1 (ss. 2–13) of the Act provision is made for the constitution of the South African Medical Council which is representative of the interests of medical practitioners and dentists, and of the South African Pharmacy Board representative of the interest of chemists and druggists. The disciplinary powers of these bodies in respect of professions of which they are representative are conveyed in C. 4 (ss. 41–47 of the Act).

Inquiry by the Council or Board into charges of improper or disgraceful conduct is provided for, matters of procedure are prescribed, and provision is made for suspensions or erasures from registers, and in the cases of nurses, midwifes and masseurs for the cancellation of certificates of competence granted by the Council.

C. 2 (ss. 14–33) of the Act sets out the conditions necessary for the registration of medical practitioners, dentists, chemists and druggists, nurses, midwives, masseurs, medical students, dental students and certain other classes.

C. 3 (ss. 34–40), entitled "Offences by Unregistered Persons," contains the provisions forbidding practice, or misrepresentation of qualifications, by unregistered persons, and prescribes the relative penalties.

Extensive powers are contained in C. 6 (ss. 61–72) of the Act for the prohibition or restriction of the importation, exportation, manufacture, disposal and use of opium and other habit-forming drugs. A poison means for the purpose of the Act any substance or thing named in the Fourth Schedule thereto, but the list may be added to upon recommendation of the Medical Council and Pharmacy Board approved of by resolution by both Houses of Parliament.

C. 5 (ss. 48–60) sets out restrictions upon the dealing in and use of poisons and the conditions of sale or supply.

Naturalization.—Act No. 27 extends and amends the law relating to the naturalization of aliens in the mandated territory of South-West Africa by extending the benefits of naturalization to certain persons who were under 21 years of age on September 15, 1924, and who in terms of the previously existing law were not entitled to such benefits. If any proposed beneficiary was on September 15, 1924, not resident in the mandated territory or the Union opportunity is afforded him of making a declaration of alienage upon attaining the age of majority; and if such a person was on March 16, 1925, and on June 7, 1928, the date of commencement of the new Act under notice, not resident in the territory or the Union and fails to take up his residence in either within five years from such last-mentioned date he ceases to be a British subject.

Pensions.—Act No. 20 makes provision for the payment of certain individual pensions, grants, gratuities and similar benefits specially approved of by the Legislature in the Parliamentary session of 1928.

Old Age Pensions.—Act No. 22 is a measure designed to provide old age pensions for white persons and for coloured persons as defined in s. 20.

A beneficiary under the Act must have attained the age of 65, be domiciled in the Union, and be resident therein at the time of application. He must further have been a British subject for five years and ordinarily resident in the Union for fifteen out of twenty years immediately preceding his application. S. 1 (*e*) and the first schedule to the Act prescribe the rates of pension and the limits of income which exclude benefit under the Act, viz. £51 per annum in the case of white, and £33 per annum in the case of coloured, persons. No pension is payable to a person in respect of any period during which he is being maintained at the public expense in any State institution.

The Act is administered by means of a Commissioner of Pensions, who, subject to the control of the Minister of Finance, is charged with the general administration of the scheme, and by district pensions officers, and the Act contains provisions in respect of the form of application and the calculation of the rates of pension and of the applicant's means. Any decision or action by the Commissioner in the administration of the Act is subject to an appeal to the Minister, and in any question arising out of any provision of the Act the decision of the Minister is final.

No pension or right thereto is capable of assignment, transfer, cession, pledge or hypothecation, nor is it liable to attachment in execution.

If any child of a pensioner is, in the opinion of the Commissioner, in a position to maintain him or contribute towards his maintenance, payments made under the Act to the pensioner or any part thereof may be recovered from such child unless the child has supported or contributed towards the support of the pensioner to an extent deemed reasonable by the Commissioner, having regard to the child's means.

The Act contains in s. 16 a provision under which residence in any country making provision for old age pensions substantially corresponding to those of the Act may on a reciprocal basis, for the purpose of benefits under the Act, be deemed to be residence within the Union.

Liquor Control.—Act No. 30, consolidating and amending the laws governing the distribution and supply of intoxicating liquor within the

Union, represents the most considerable measure placed upon the Statute Book in the Parliamentary Session of 1928. Prior to this Act each province of the Union was governed in the matter of the control of supply of intoxicating liquor by its own pre-Union laws, and these laws were distributed over the Statute Book in some fifty different measures. The new Act applies throughout the Union, save that the Transkeian Territories remain under their own law and that certain native areas may wholly or partly be excluded from the operation of the measure by the Governor-General in the exercise of the legislative authority conferred upon him by s. 25 of the Native Administration Act No. 38 of 1927.

The Act is one for the control of the supply of intoxicating liquor: the matter of the production of liquor is left to the excise laws, and the control in the interests of producers of the wine and spirits industry is not within the purview of the Act.

The prohibitions and restrictions of the Act fall in the main into two categories—those of constant and universal application in which the legislature restrains the conduct of all persons in the matter of the sale, supply, possession, use or conveyance of liquor, and those of restricted operation applied not as a constant measure directly by the legislature itself but as circumstances and the requirements of the particular place or the exigencies of a particular situation may warrant, by some other body charged by the legislature with authority for that purpose. In some cases that body is the Executive Government; in other cases, more particularly those concerning the question of the issue of licences or the attachment of conditions to licensed businesses, it is a liquor licensing authority, viz. the licensing board hereafter to be referred to.

The most important of the universal restraints of the Liquor Act of 1928 are those prohibitions and restrictions which are designed to protect the native, Asiatic and coloured races from the abuse of alcoholic liquor. In respect of natives, total prohibition throughout the Union is enacted by s. 94 of the Act, due provision, however, being made for the issue of letters of exemption in proper cases, and for supply to meet sacramental or urgent medical needs. In the matter of the supply to Asiatics and coloured persons full uniformity of application has not been attained: strict prohibition with the same provisions for exemption as obtain in the case of natives is operative in the Transvaal and Orange Free State, and in respect of on-consumption in Natal in the case of Asiatics; but, as regards coloured people in the Cape and Natal and Asiatics in the Cape, a power of restriction, which must, however, fall short of total prohibition, is placed in the hands of the licensing boards. With a view for the most part to the discouragement of the consumption by natives of intoxicating liquor and of strange intoxicants of their own manufacture, the Act contains provisions by which, under definite safeguards, kaffir beer, the traditional drink of the natives which is commonly brewed from kaffir corn, millet or other grain, may, if it contains not more than 2 per cent. by volume of alcohol, in some cases be brewed for home consumption by natives, and in other cases be supplied to them at shops conducted under direct State or local government authority.

With a view to the control of the introduction and use of intoxicating liquors in those communities, often of vast number and usually of heterogeneous character, which rapidly arise in areas in which precious stones or metals are discovered, the Act confers upon the Executive Government considerable powers for the prohibition or restriction of the issue of licences in such areas or of the removal to or within such areas of intoxicating liquor. In addition to this, the Governor-General is empowered by s. 59 of the Act to proclaim off-sale permit areas within which no holder of an off-sale licence may sell, supply or deliver liquor to any person other than a liquor licensee save upon production by such person of a police permit. Such a permit may be issued to cover any period not exceeding twelve months, and provision is made for the cancellation for good cause of permits granted. Appeals to the Commissioner of Police against the refusal or cancellation of permits are allowed, whose decision is final.

In rural areas existing licences are capable of renewal in the ordinary way up to December, 1937, but no new licences may be issued in such areas, and after that date existing licences therein may no longer be continued, save in cases where the Minister of Justice certifies that the premises are of certain value and that they are situate in a place which is or is likely to become a health or pleasure resort or that the licence is necessary to meet the needs of the travelling public.

The licences issuable under the Act for selling and dealing in liquor fall into two main classes, the off-consumption and the on-consumption, which, as their names imply, authorize the sale of liquor only for consumption on the premises or off the premises as the case may be.

Provision is, however, made by s. 64 of the Act for a continuance of a right of off-sale for those on-consumption licensees who held such a right under a prior law.

The central feature of the system for the control within the field of permission of the sale of liquor is the licensing board, an administrative body appointed annually for each magisterial district and consisting of four persons selected by the Governor-General (two at least of whom are representatives of local authority in the district) with the magistrate of the district as chairman and sole disposer of questions of law arising at meetings. To this local board, which may be presumed to be best able to judge of the requirements of the district in the matter of facilities for the purchase of liquor, is committed the power and duty within the maximum limits which the legislature has itself prescribed, to determine what licences shall exist within the district and the conditions and restrictions to which such licences shall be subjected. The principal business of the licensing board is transacted at its annual meeting held early in December, but provision is made in the Act for interim and special meetings. An interim meeting may be held in any month other than December for the disposal of urgent police complaints against licensees or certain applications for transfer or removal of licences. Special meetings may be held at any time, on the order of the Supreme Court, for the redress of any matters which have come under its cognizance, and on the order of the Minister of Justice for consideration of certain particular applications.

Apart from the issue of authorities for the granting of licences within the permitted limits, the most important item of the licensing board's authority is the power conferred upon it by s. 81 of the Act to resolve at any annual meeting that it shall be a condition of all licences in the district, or of any particular licence or class of licence, that the supply of liquor to persons of a particular class, including women or any class of women, shall be subject to the restrictions and conditions (which must, however, fall short of total prohibition) in the resolution set forth. Within certain maximum limits fixed by the legislature, the licensing board is granted power to determine the hours within which sales may be effected under any particular licence.

In pursuance of the policy of keeping the liquor trade in the hands of reputable people, strict qualifications, based largely on moral character, legal competence and residence within the Union, are exacted of all licensees ; and while joint stock or co-operative effort is not excluded from the trade, a company or association of persons interested in a bottle, liquor or an on-consumption licence must act through an agent or servant who must become the individual licensee and undertake personal responsibility in respect of the many obligations which the Act requires licensees to fulfil. Within these limits, the approval of licensees is within the functions of the licensing boards.

The provisions of the Act for the control of the conduct of licensed businesses include those which in general prohibit the employment in or about the sale of liquor of natives and other persons who are totally prohibited from obtaining liquor. The employment in or in connexion with the sale of liquor of women and persons under the age of 18 years is in general banned, but exemptions are provided in the latter case for *bona fide* students and apprentices of the catering trade of or over the age of 16 years, and in the former for any woman who is the owner or the part-owner to the extent of not less than 10 per cent. of the business, or any woman who, for at least a year before the commencement of the Act, was the owner or part-owner of a liquor business or was regularly employed for wages in the sale of liquor, and within a year after such commencement procures a magisterial certificate to that effect. Provisions, for the most part correlative to those forbidding the employment of prohibited persons, are contained in the Act for the prohibition or restriction of the access of certain classes of persons to licensed premises.

Save in the case of the holder of a brewer's licence, no canvassing or taking of orders is permitted elsewhere than at the licensed premises, but this does not apply to canvassing between licensees nor does it preclude ordinary advertising. S. 135 of the Act, following with certain adaptations s. 7 of the Licensing Act, 1921, of the British Parliament, forbids the conveyance of liquor for delivery unless before despatch the particulars have been entered in a delivery book or invoice carried by the person making delivery, and in a day book kept upon the premises of the seller.

The Act seeks in certain matters to regulate the rights and obligations *inter se* of the licensee and his landlord or supplier. An on-consumption licensee is by s. 121 of the Act given a measure of protection from capricious interference with, and untimely termination of, his tenure of hired premises notwithstanding any contract to the contrary, and s. 120 of the Act settles the question of liability as between the landlord and the licensee in the matter of the execution of any repairs or alteration of, or addition to, the premises ordered by the licensing board. The Act recognizes that a total suppression of the tied house system might result in the withdrawal from the catering industry of capital, usefully and with beneficial results to the general welfare, applied thereto ; but, realizing that the system might in some instances become an instrument of oppression or injustice, Parliament in ss. 107 and 108 of the Act devised a minor scheme for the restriction or regulation of tie agreements.

Those sections of the Act which are aimed at the regulation of the relationship between the licensee and his customer include provisions under which an on-consumption licensee, while he is entitled to refuse to supply liquor to any person, must not without valid reason fail to supply accommodation or meals when demanded. Save for this, considerable power is given to refuse admission and to eject. The common law obligations of hotel liquor licensees in the matter of the loss of or injury to a lodger's property while it is upon his premises are in the matter of claims to any amount greater than £20 limited by s. 112 of the Act. Save in the circumstances in that section set out, no obligation beyond that sum arises in respect of such loss or damage; but in claims up to £20 the common law provisions remain. The Act conveys definite limitations in the matter of the time, means and method of payment for liquor bought, and in general strictly prohibits any supply of liquor on credit.

C. 17 (ss. 145–171) of the Act conveys the provisions relative to criminal procedure offences and penalties. A noteworthy feature of this chapter is to be found in s. 158, which conveys the important provision that a *bona fide* mistake of fact shall afford no defence. Other noteworthy features of this part are the provisions of ss. 159 and 160, which place upon a definite footing the matter of the responsibility of managers and servants and conversely the criminal liability of the licensee for the unlawful act of his manager, agent or servant or any member of his family. In general, the licensee can escape such liability only upon absolute proof negativing all possibility of agency and in addition clear evidence that all reasonable steps were taken by him to prevent any act or omission of the kind which is the subject of the charge.

Miscellaneous.—Act No. 6 conveys the authority of the legislature for a number of amendments of Land Settlement practice which have been found in the course of administration to be necessary or desirable in order to attain the various purposes of the Land Settlement Laws.

Act No. 9, by an amplification of a certain definition, slightly enlarges the area of benefit which may be extended under the Drought Distress Relief Act No. 25 of 1927.

Act No. 10 enables the penalty of whipping to be imposed upon conviction for the offence of cruelty to animals where the act of cruelty which has been the subject of conviction is found to have been of a wilful and an aggravated nature.

Act No. 14 is a private measure repealing an old Ordinance, No. 7 of 1836, of the Cape which dealt with the powers of the trustees appointed for the management of a certain mercantile establishment at Port Beaufort at the mouth of the Breede River. The Act provides for the cancellation of the original deed of grant to this concern and for the issue of a new deed of grant free from certain conditions which have become inoperative.

Act No. 23 affects certain amendments in the Radio Act No. 20 of 1926 and makes provision for the prohibition of the possession or sale of radio apparatus.

Act No. 29 authorizes the Minister of Education to establish, maintain and make grants-in-aid to schools for vocational education, which is defined as instruction and training in commerce, agriculture or housecraft, or in any trade or industry, and to schools for the education and care of defective children. The Act further provides for the recognition as State-aided schools of establishments providing vocational education or undertaking the care of instruction of defective children and contains provisions for the control and administration of the educational establishments with which it deals.

2. CAPE OF GOOD HOPE.

[*Contributed by* H. A. FAGAN, ESQ.]

1925.

Further Hospital Board and School Board Pensions.—Ordinance No. 5 empowers a hospital board to grant a pension on retirement to any medical officer or qualified dispenser who has completed ten years' service in a full-time capacity under the board and has arrived at the age of sixty years or has become physically incapacitated for medical work. A pension so granted shall be at the rate of 20% of the average annual salary (including allowances) of the officer during the five years immediately preceding his retirement, rising at the rate of 1½% for each additional year of service up to a maximum of 65%, fractions of a month being disregarded. The granting of this pension requires the sanction of the Administrator, and no officer is entitled to claim the pension as a matter of right.

The same Ordinance provides for a period of grace for officials who were in the service of a school or hospital board on April 1, 1920, but failed to join the pension fund established for their benefit by Ordinance No. 11 of 1920. They are given time until the expiration of three months from the date of promulgation of the new Ordinance (June 19, 1925) to elect to contribute to the pension fund, and those who so elect share in the benefits on a similar footing to those who joined previously.

Protection of Wild Flowers.—Ordinance No. 14 raises the penalties for selling wild flowers without the licence prescribed by Ordinance No. 16 of 1920 and for breaking the regulations which that Ordinance empowers the Administrator to make with regard to the sale of wild flowers. Offences committed after the date of promulgation of the Ordinance are punishable by a fine of £2 for a first offence, £4 for a second and £8 for a third offence, with an alternative of imprisonment for 14 days, 28 days and 2 months respectively. On a third or subsequent conviction the court may, moreover, suspend the offender's licence and prohibit him from trading under the licence or obtaining a new one for a period not exceeding 12 months. (The 1920 Ordinance had allowed disqualification from holding a licence for an indefinite period, subject to the Administrator's right to grant permission to apply for a new licence.)

Ordinance 16 of 1920 authorized any police constable, or any person who produced written authority from the Commissioner of Police, to require anyone reasonably suspected of offending against the provisions of the Ordinance in so far as it relates to wild flowers, ferns and shrubs, or any regulation framed thereunder, to give his name and place of abode, and imposed a penalty for a refusal or an untrue answer. Ordinance No. 14 of 1925 substitutes the Administrator for the Commissioner of Police as the official empowered to give the necessary authority, and empowers police officers in uniform to seize and impound wild flowers, ferns or shrubs which are suspected on reasonable grounds of being exposed for sale in contravention of the Ordinance 16 of 1920 as amended. If the suspected offender is convicted, the court may direct that any flowers, ferns or shrubs so seized be confiscated.

Exemption from Taxation.—Ordinance No. 17 adds the following to the list of properties exempted from provincial, municipal and divisional council rates or taxes: (*a*) Land vested in trustees on behalf of any sporting organization and used solely for the purpose of athletic sports and pastimes. (*b*) Land leased on behalf of any sporting organization from any municipal council or from the Imperial or Union Government or the Provincial Administration and used solely for the purpose of athletic sports and pastimes. (*c*) Buildings or other structures erected on such land.

The benefit of exemption is, however, withheld from: (i) a racecourse or building or other structure thereon, and (ii) a refreshment room or bar not conducted in any respect for the benefit of a sporting organization and a caretaker's quarters used for any other purpose than as a dwelling for the caretaker.

The Ordinance provides further that no rates or taxes shall be payable to the Provincial Administration or to any local authority in respect of immoveable property owned or occupied by an agricultural society or a church or hall owned by a church authority where such church or hall is used by the authority for its own purposes or is let by it from time to time at a rental which does not exceed the expense caused to the said authority by such letting, and in respect of Crown lands leased in cases where in the opinion of the Administrator or of the local authority concerned, as the case may be, payment of such rates or taxes shall be a hardship on the person liable therefor.

Draining of Stormwater.—Ordinance No. 19 empowers municipal councils, village management boards and local area boards to drain stormwater from streets, roads or other public places into any natural water-course which exists over private property, subject to payment of compensation for damage caused by the exercise of such power. Such local authorities may through their servants or agents at all reasonable times enter property over which a natural water-course exists for the purpose of removing obstructions to the flow of water.

Impounding and Destruction of Donkeys.—Ordinance No. 21 makes provision for the registration of donkey stallions at the offices of local authorities. On registration the donkeys receive a distinctive mark or brand. Whenever any donkey stallion over eighteen months old is found trespassing within the area of a local authority without bearing the distinctive mark or brand denoting registration, the owner of the land trespassed upon may cause it to be destroyed.

If a donkey is impounded, the poundmaster is forthwith required to post at the gate of the pound, at the office of the local authority and at the nearest police station a notice setting forth a description, marks and distinguishing peculiarities (if any) of the animal and fixing a date not less than fourteen days later when the animal will be sold. If at the sale no offer is made for the donkey the poundmaster may destroy it.

Municipal Franchise.—Ordinance No. 22, generally spoken of as the Lomax Ordinance (as it was introduced in the Provincial Council by the Labour member Lomax), abolishes plural voting in municipal polls. It enacts that every person of full age, not disqualified for enrolment under the Municipal Ordinance of 1912, who on March 15 in any year owns rateable immoveable property in a municipality of the assessed value of £100, and every person who has resided in the municipality for six months and occupies such property of the assessed value of £200, shall have one vote. Joint owners or occupiers have one vote each. In the case of husband and wife jointly occupying property owned by the one, the other is deemed to be the occupier.

The Ordinance does not prevent a person who owns or occupies property in different wards of the same municipality from being enrolled in each ward, but at a poll of the whole of the voters of the municipality he may not exercise more than one vote.

If, for any reason, any person, society, firm, association or company appears on the voters' roll as entitled to more than one vote in any one ward, the voter shall nevertheless exercise one vote only in respect of that ward.

Only voters enrolled as owners are entitled to vote at a meeting or poll held on the question of raising loans.

1926.

Cremation.—Ordinance No. 6 enacts that the powers of a burial authority (viz., a board of trustees or local authority managing a public cemetery) to provide and maintain burial grounds or cemeteries or anything essential, ancillary or incidental thereto shall be deemed to extend to and include the provision and maintenance of crematoria: provided that no human remains shall be burned in any such crematorium until the plans and site thereof have been approved by the Administrator, and until the crematorium has been certified by the burial authority to the Administrator to be complete, built in accordance with such plans and properly equipped for the purpose of the disposal of human remains by burning.

No crematorium may be constructed nearer to any dwelling-house than 200 yards, except with the consent in writing of the owner and occupier of such house, nor within 50 yards of any public road, street or thoroughfare.

The Administrator is required to make regulations as to the establishment (by a burial authority or by any company or person), maintenance and inspection of crematoria and prescribing in what cases and under what conditions the burning of human remains may take place. Penalties are provided for breach of the regulations.

Cruelty to Animals.—Ordinance No. 7 empowers municipal councils to make regulations for prohibiting or regulating the use of streets, roads or passages, whether public or private, by animal-drawn traffic of any description or by particular classes of traffic where such use is, in the opinion of the council, likely to involve or cause unnecessary suffering, strain or cruelty to such animals by reason of the gradient or nature of construction of such streets, roads or passages.

Censorship of Public Entertainments.—Under Ordinance No. 9 the Administrator may, by notice in writing or by telegram to the proprietor of any place of amusement, prohibit the exhibition of any picture or the performance of any play or other form of entertainment in that place which in his opinion: (*a*) is calculated to give offence to the religious convictions or feelings of any section of the public; or (*b*) is calculated to bring any section of the public into ridicule or contempt; or (*c*) is contrary to good morals or public policy.

The Administrator may similarly prohibit the exhibition of any poster, picture or advertisement outside or in connexion with that place which in his opinion is indecent or calculated to excite racial prejudices or subversive of good morals.

The penalty for disregarding the Administrator's prohibition is a fine not exceeding £50 or, in default of payment, imprisonment with or without hard labour for a period not exceeding three months.

Motor Ordinance.—Ordinance No. 12 repeals the earlier ordinances relating to the registration and use of motor cars and cycles (No. 9 of 1914, No. 10 of 1916, No. 3 of 1920, No. 26 of 1921 and No. 3 of 1922), and consolidates the law on the subject.

The owner of a motor car or cycle is required to register it at the office of the magistrate or the receiver of revenue, and to take out an annual licence. The licence fee is £1 for a motor-cycle, £2 for cycle and sidecar, £3 for a car weighing not more than 1,500 lbs., £4 up to 2,500 lbs. in weight, £6 up to a weight of 4,000 lbs., £10 thereafter up to 6,000 lbs., then £20 up to 8,000 lbs., £30 up to 9,000 lbs., and £50 if the weight exceeds 9,000 lbs.

On registration a car or cycle receives a distinctive mark which must be kept affixed to it in manner provided by regulation.

A transfer of ownership must be registered. The fee is 5*s*. in the case of a motor-car and 2*s*. 6*d*. in the case of a motor-cycle.

A manufacturer of or dealer in motor cars or cycles may register a general identification mark, for which he pays £25 annually in the case of a manufacturer or importer and £3 in the case of a dealer, to be placed on any motor-car owned by him whilst it is used for any purpose connected with his business as such manufacturer or dealer. Every agent of a manufacturer or dealer who carries on business at other premises than those at which his principal does so requires a separate licence.

A motor car or cycle need not be registered or licensed unless it is used on a public road.

No person is allowed to drive a motor car or cycle on a public road unless he is licensed to do so. The Administrator appoints examiners who have to satisfy themselves that proposed licensees: (*a*) have a good knowledge of the rules of the road and are competent to drive; (*b*) are not disqualified under the provisions of the Ordinance; (*c*) are of the age of 17 years; (*d*) do not hold another similar licence under the Ordinance; (*e*) have not had their licences suspended in any other Province of the Union; (*f*) are not physically unfit in respect of defective hearing, defective vision or such other physical infirmity as would in the opinion of the examiner render them incompetent.

A temporary licence, entitling the holder to drive for a period not exceeding one month and at a speed not exceeding 15 miles per hour, may be issued to a person *bona fide* learning to drive under the personal supervision of a certificated driver.

Drivers licensed in other parts of South Africa are not required to take out a licence in the Cape Province, but their licences are subject to the provisions of the Ordinance relative to suspension, endorsement or disqualification.

Cars registered elsewhere may be used in the Cape Province for three months, or, if the owner is in the Province on public business, for six months in any calendar year with registration or licence, provided that the owner shall on first entering the Province have submitted his licence to the first available magistrate on his route for him to endorse and affix his date stamp thereon.

Conviction for an offence relating to the driving of a motor-car, other than a first or second offence of exceeding a speed limit, renders the offender liable to suspension or cancellation of his licence and disqualification from obtaining a licence for a specified time.

The speed limit on a public road within three miles of a municipal area is 30 m.p.h., but local authorities may, with the approval of the Administrator, prescribe a limit of 20 m.p.h. in defined areas and a reduced limit for dangerous corners, cross-roads and precipitous places.

The Ordinance further contains provisions with regard to lights, hooters and silencers, and prescribes penalties for reckless driving and for driving while intoxicated. Racing and speed trials on public roads are prohibited save with the permission of the local authority concerned and the concurrence of the Administrator.

Shop Assistants' Holidays.—Ordinance No. 22 amends the legislation relating to shop hours by declaring Saturday (from 1 p.m.) to be the weekly half-holiday on which shops have to be closed in the Cape Peninsula, Port Elizabeth, East London, Kimberley and Uitenhage, and by allowing other municipalities to declare Saturday as the half-holiday within their areas. In areas where a different day is assigned, any shopkeeper may by notice to the municipality elect Saturday as his closing day.

For each year of continuous service under the same employer or his legal representative, heir, legatee, trustee or liquidator a shop assistant is entitled to leave of absence for twelve clear working days, or, in the case of restaurants or similar establishments which are open on Sundays, for fourteen clear working days.

1927

Parking of Motor Cars and Cycles.—Ordinance No. 4 amends the Motor Ordinance No. 12 of 1926, by empowering local authorities to make regulations in connexion with the parking of motor cars and cycles and for prohibiting, restricting, regulating and controlling the use of public streets and squares and other public places by motor cars and cycles.

Good Friday.—Ordinance No. 6 prohibits public entertainments on Good Friday, save entertainments of a religious character held with the consent of the local authority.

Extermination of Stock-destroying Carnivora.—Ordinance No. 10 authorizes six or more land-owners or major sons of land-owners to establish and register a vermin club in any divisional council district. Vermin clubs are required to take all necessary steps for the extermination of vermin within the districts for which they are registered. For this purpose they are charged with certain duties, including the duty of hunting at least once a month, and with the power to make rules enforceable by penalties binding their members, also with right of entry on private lands for the purpose of hunting or destroying vermin. Owners of land who do not regularly assist the club in the destruction of vermin have to pay £10 to the club for every jackal, lynx or red cat discovered on their lands and eventually killed. The club and its members enjoy special privileges with regard to hunting and the keeping of dogs, and the divisional council concerned must pay 10s. for every jackal, lynx or red cat destroyed in its district. Divisional councils may declare any animal or bird not specially mentioned in the Ordinance to be vermin, and so make the provisions of the Ordinance applicable to it.

Approval of Township Schemes.—Ordinance No. 13 establishes a Townships Board, whose duty it is to consider and pass or refuse plans for the subdivision of land into building plots. The Ordinance deals in detail with the principles to be applied by the Board, and the registrar of deeds is not allowed to pass transfers of subdivisions not approved of by the Board.

1928.

There was very little fresh legislation by the Provincial Council in the year 1928. The only Ordinance worth mentioning here is No. 18, which lays on divisional councils the duty of eradicating jointed cactus (*Opuntia Pusilla*) in their districts. Occupiers of land have to report the presence of jointed cactus, and owners have to pay one-third of the cost of eradication, payment to be in instalments if so desired by the owner. The Provincial Administration likewise pays one-third, the balance of the cost being borne by the divisional council concerned. If the owner does the work of eradication himself he may recover the contribution due by the council and the Administration.

3. NATAL.

[*Contributed by the* HON. MR. JUSTICE F. S. TATHAM, D.S.O.]

Taxation.—Ordinance 17 imposes a provincial tax upon persons and upon incomes. Subject to certain exemptions, a tax is imposed for Provincial, as distinguished from Union Government, purposes of £1 upon all persons over the age of 21 years whose taxable income does not exceed £450, and £2 upon all persons whose taxable income exceeds £450, and a tax of 7½ per cent. of the amount of income-tax paid to the Union Government by an income-tax payer. The exceptions are: (1) Females not liable to pay income-tax; (2) Persons certified by a Revenue Officer to be indigent persons; (3) Any male adult who has regularly attended an educational institution as a student during the three months immediately preceding the due date of the tax and is not required to render an income-tax return; (4) Any leper or mentally deficient person who is not liable for income-tax; (5) Any married male adult, or a male adult who is the sole support of a parent and whose income does not exceed £250; (6) Any war pensioner whose taxable income does not exceed £250. Companies are taxable at the rate of threepence for every £ of taxable income derived from sources within the Province. The remainder of the Ordinance prescribes methods for the enforcement of the Ordinance, in the usual form applicable to the payment of ordinary income-tax.

The remainder of the provincial legislation for 1928 relates to money appropriations and extension of the powers of local authorities of no general interest.

4. ORANGE FREE STATE.

[*Contributed by* H. Pring, Esq.]

Eleven Ordinances were passed by the Provincial Council of the Orange Free State during the year 1928. Four of these were Appropriation Ordinances, *i.e.*, Nos. 1, 2, 3 and 9.

Taxes on Persons and Companies.—Ordinance No. 4 re-enacts the Tax on Persons and Companies Ordinance No. 9 of 1926, with certain amendments which became necessary consequent upon legislation passed by the Union Parliament. The principal amendments are: (*a*) The provincial tax on income is now based on the whole of the taxable income of the taxpayer instead of on the portion of such income derived from sources within the Province. (*b*) A person not resident in the Province but who derived income from sources within the Province was liable for the provincial tax. A non-resident is now not liable. (*c*) A non-mutual life insurance company is not taxable on amounts distributed by way of bonuses to policy-holders. (*d*) Reduces the penalty payable for failure to pay the tax at due date.

Education.—Ordinance No. 11, entitled the Education Laws Consolidation Amendment Ordinance, 1928, re-enacts s. 6 of Ordinance No. 9 of 1922 to make it quite clear that the provisions of that section, relative to the termination of the services of teachers, apply to all teachers employed in the provincial service appointed subsequent to the date of Union. This amendment was necessary consequent upon a judgment given in the Supreme Court in the case of *Morgan* v. *The Administrator*.

The amending Ordinance also provides for the conditions of service as regards marriage of female teachers to be brought into line with those appertaining to female employees in the public service.

Roads.—Ordinance No. 10 amends s. 19 of the Roads Ordinance, 1912, by reducing the width of main and district roads from 100 feet to 80 feet. This amendment was introduced at the request of members of the public and of the Provincial Council in connexion with the reclassification and delimitation of roads which was being undertaken by the Provincial Administration.

Motor-cars.—Ordinance No. 7 amends: (*a*) S. 4 (5) (*b*) of the Motor-car Ordinance, 1914 (as amended by s. 5 of the Motor-car and Wheel Tax Amendment Ordinance, 1926) in order to afford to visitors from outside the Union of South Africa similar facilities as regards temporary freedom from the registration provisions and payment of wheel tax as are enjoyed by visitors to the Orange Free State from the other Provinces of the Union. (*b*) S. 9 of the Motor-car Ordinance, 1914, by the deletion of the provision whereby the rate of speed at which a motor-car might be driven on a public road within a radius of 3 miles of the surveyed erven of a proclaimed township, was limited to 20 miles per hour.

Local Government.—Ordinance No. 8 amends the Local Government Consolidation Ordinance No. 11 of 1925. The main provisions are: (*a*) The grant to a married woman of the right to registration as a voter by virtue of qualifications possessed by her husband. (*b*) Stricter control over municipal funds. (*c*) Additional powers to deal with street hawkers. (*d*) Confers on village management boards powers similar to those possessed by town councils in regard to the sale of fixed property and the passing of regulations with regard to streets and vehicles.

Hospitals.—Ordinance No. 16 of 1923[1] was not promulgated, as it was thought better to await the report of the Hospital Committee of inquiry appointed by the Union Government, and thereafter, when the recommendations of that Committee were not accepted by the Government, to await the report of the further inquiry to be conducted by the Hospital Survey Committee. Ordinance No. 5 of 1928 is the outcome of the decision of the Provincial Administration to adopt certain recommendations made by the Hospital Survey Committee to the effect that it would be inadvisable to promulgate Ordinance No. 16 of 1923 and that Ordinance No. 8 of 1913, suitably amended, should remain the hospital law of the Province.

Townships and Hamlets.—Ordinance No. 6 is based on the Townships Act No. 15 of 1909 (Orange River Colony), which it repeals. The terms of the original Act have been expanded and amended to remedy certain inherent weaknesses and to meet conditions which did not exist when the Act of 1909 was passed.

5. TRANSVAAL.

[*Contributed by* V. ROSENSTEIN, ESQ.]

Twenty-one Ordinances were passed, of which four were Appropriation and Expenditure Ordinances.

Motor Vehicles.—Ordinance No. 3 amends the Motor Vehicle Ordinance of 1915. The R.A.C. (British Treasury) formula for calculating horse-power is adopted, viz. $\frac{D^2 \times N}{1613}$. Endorsements on licences (in respect of offences committed by the holders) shall lapse after three years provided no other endorsements have in the meantime been made, in which case the three years shall begin to run from the date of the last endorsement.

S. 3 makes it an offence for a person knowingly to buy, sell, receive, dispose of, conceal or possess a motor vehicle from which any distinguishing number or identification mark has been removed, disposed, etc., for the purpose of concealing or misrepresenting the identity of the vehicle. S. 4 provides that passengers may be carried on the pillions of motor-cycles only when suitable foot-rests have been fitted. S. 5 alters the penalties for certain offences under the Ordinance. The remaining amendments are administrative.

Local Government.—Ordinance No. 4 amends the Local Government Ordinance of 1926. S. 1 amends the voting of the mayor's allowance by dividing it into two portions: (*a*) for general purposes—the expenditure of which shall be accounted for to the Finance Committee; (*b*) personal allowance (not exceeding one-third of the above) the expenditure of which shall not be subject to any audit, the mayor's signature being sufficient. Ss. 5–6 increase the general powers and by-law power of municipal councils in certain respects. S. 7 permits municipalities to supply light, heat and power to other than their own inhabitants. S. 9 amends the powers of health committees.

Ordinance No. 13 consolidates and amends the law relating to the levying of rates by local authorities.

Ordinance No. 15 provides that as from September 5, 1928, the Town of Johannesburg shall be known as the City of Johannesburg and the Town Council be known as the City Council.

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[1] See *Journal of Comparative Legislation*, Third Series, vol. vii, pt. ii, p. 137.

Vermin Destruction.—Ordinance No. 5 amends the Vermin Destruction Ordinance of 1925. The main amendment provides for the imposition of a fine by any vermin club on any member who fails to attend two consecutive official hunts, unless a substitute is provided by that member. The remaining amendments are administrative.

Education.—Ordinance No. 6 amends the Education Act, 1907, and provides for grants in certain cases in aid of the maintenance of children attending certain schools.

Ordinance No. 16 provides that where teachers are transferred in certain cases such teachers shall retain the salary and scale of salary payable in respect of the post from which he has been transferred.

Roads.—Ordinance No. 7 amends the Roads Ordinance, 1912. There is a new definition of "public road" as any road or path, however created (not running over proclaimed mining land), which has been in the undisturbed use of the public or which the public has had a right to use for not less than 15 years. The Administrator is given certain powers of constructing, maintaining and repairing such roads.

Noxious Weeds.—Ordinance No. 8 amends the Local Government Ordinance, 1926, and gives the Administrator wider power in connexion with the proclamation of certain weeds as noxious and the destruction thereof.

Taxation.—Ordinance No. 10 provides for the imposition of taxes on persons residing in the Province. It repeals the Poll Tax Ordinances of 1921, 1922, 1923, 1925 and 1926, and substantially re-enacts the last of these.

Street Trading.—Ordinance No. 11, to supervise, license and regulate trading by hawkers and pedlars, makes it an offence (subject to a fine not exceeding £50 or in default imprisonment not exceeding three months) for any hawker or pedlar to carry on business as such at any place outside a municipality being within one mile of the place of business of any person who is the holder of a licence issued under the Licences Consolidation Act (Union) of 1925.

Teachers' Pensions.—Ordinance No. 12, amending the Transvaal Teachers' Pensions Ordinance of 1916, makes provision for contributions to the pension fund by teachers appointed after January 1, 1929, and the return of the contributions with interest in certain cases. The remaining amendments are administrative.

Hospitals. — Ordinance No. 18 provides for the establishment, maintenance and management of public hospitals, and is divided into five chapters.

C. 1 deals with the appointment of an Advisory Council to consist of persons experienced in hospital administration and finance. C. 2 deals with the constitution of hospital boards and the incorporation of such, and lays down the procedure in connexion with the appointment of members of the boards.

C. 3 deals with the power of the boards, their management and administration. C. 4 deals with the finances of the boards. (The Provincial Administration pays a subsidy to the hospitals on the basis of the amount of fees received from patients, the amount varying from 25*s.* for every pound received from patients in the case of a central hospital to 7*s.* 6*d.* for every pound in the case of second-class clearing hospitals.)

Special subsidies are to be paid annually to the hospitals in the larger towns of the Province.

Subsidies at the rate of pound for pound shall be paid in respect of certain bequests to the boards.

The chapter further provides for the investment of moneys in the possession of the boards and the audits of all accounts. C. 5 deals with the power of the Administrator to make regulations and to appoint officers to inspect the hospitals.

Shop Hours.—Ordinance No. 19 amends the Shop Hours Ordinance of 1923 as amended by Ordinances No. 10 of 1925, Nos. 8 and 15 of 1927.

The main amendments provide that shopkeepers shall have the option to keep their shop open either on Wednesday or Saturday afternoon. An option so exercised shall be binding on the shopkeeper for six months. In certain areas, where a petition is presented by a majority of the holders of general dealers' licences, shops may be open until 6 p.m. on Wednesdays and shall be closed at 1 p.m. on Saturdays.

6. NORTHERN RHODESIA.

[*Contributed by* MAJOR C. G. M. PLACE, D.S.O., M.C., *Solicitor-General.*]

1924.

As has already been stated in this Journal, the year 1923 marked the end of the British South Africa Company's administration in this Territory. On April 1, 1924, Northern Rhodesia came under the direct control of the Secretary of State for the Colonies. By the Northern Rhodesia Order in Council, 1924, the general administration of the Territory was provided for and by the Northern Rhodesia (Legislative Council) Order in Council, 1924, a Legislative Council was established consisting of 5 ex-officio members, 4 unofficial members and 5 elected unofficial members. Pending the holding of the first election the 5 unofficial members were nominated by the Governor and confirmed through the Secretary of State. Under the Order in Council above mentioned (which re-enacted a former Order in Council of 1911) English law as it existed on August 17, 1911, so far as it is applicable or not inconsistent with local enactment, applies to the Territory. All English Acts passed after that date are inapplicable unless specifically applied by a local law.

Imperial Acts Extension.—The first session of the first Legislative Council was held on May 23, 1924, at Livingstone, and a number of Ordinances were passed, including the Imperial Acts Extension Ordinance, which applied certain English Acts to the Territory. These were as follows: the Forgery Act, 1913; the Larceny Act, 1916; the Prevention of Corruption Act, 1916; the Bills of Exchange (Time of Noting) Act, 1917; the Married Women (Maintenance) Act, 1920; the Gaming Act, 1922, and the Infanticide Act, 1922.

Divorce.—A Matrimonial Causes Ordinance was also passed bringing the divorce law into line with that in England in regard to the grounds on which a woman can obtain a divorce.

1925.

Customs.—Ordinance No. 12 amends and consolidates the law relating to Customs and Excise duties. The position is complicated by the fact that for Customs purposes the Territory is divided into two areas known respectively as the Zambezi Basin and the Congo Basin. The import duties vary in some respects in these areas. Rebate is allowed on goods grown, produced or manufactured in the United Kingdom and, in accordance with agreements made with the Union of South Africa and Southern Rhodesia, certain limits are placed on the import duties which may be imposed. There is a preferential tariff for goods intended for use in the mining industry and further minor suspensions from duty are to be found in the Third Schedule to the Ordinance.

Game.—Ordinance No. 19 consolidates the law relating to the preservation of game. The licences required are of four kinds: a bird licence, an ordinary licence which covers buffalo, hippopotamus, eland, roan sable and other animals of the antelope species; a special licence for elephant and rhinoceros in addition to those animals covered by an ordinary licence and a Governor's licence under which giraffe and other of the rarer animals and birds (in addition to those covered by the two first-named licences) may be hunted. The Governor has power to establish game reserves and the right of natives to shoot game in their own districts is preserved. With the exception of certain provisions, this Ordinance does not apply to Barotseland, and the Paramount Chief of that nation is entitled to export free of duty all ivory of elephant killed in his district.

Administration of Estates.—Ordinance No. 20 provides for the appointment of an Administrator-General and prescribes his duties. The Administrator-General is empowered to apply to the court for probate or letters of administration in respect of all deceased estates the property of non-natives: (*a*) where the deceased has left a will but has failed to appoint an executor; (*b*) where the executor has predeceased the testator or has renounced probate; (*c*) where the deceased has appointed the Administrator-General as his executor; (*d*) where the deceased has died intestate as to his property in the Territory.

By an amending Ordinance (No. 10 of 1926) the Administrator-General has power to undertake himself the administration of any estate of which the gross value in the Territory does not exceed £100; but the exercise of this power is subject to certain provisos and limitations.

As already indicated, this Ordinance does not apply to the estates of natives.

Forests.—Ordinance No. 21 enacts the Forest Law of the Territory. It defines demarcated and undemarcated forests and prohibits certain acts in all forests except under a licence obtained from the Governor or from an officer authorized by him. A schedule of trees is added and power is vested in the Governor to add to the schedule from time to time. This Ordinance does not apply to the Barotse magisterial district.

Savings Bank.—Ordinance No. 22 establishes a Post Office Savings Bank and contains full regulations in regard to its management.

Legislative Council.—Ordinance No. 25 regulates the procedure governing the election of members of the Legislative Council and contains schedules and rules for the preparation of the first register, the annual revision of that register and the manner in which elections are to be conducted. In the body of the Ordinance will be found provisions governing the qualification of voters, the filling of vacancies and the punishment of offences in connexion with corrupt practices at elections.

Companies.—Ordinance No. 26 amends the principal law in regard to the registration of companies, the necessary statutory declarations as to reorganization of share capital, the registration of mortgages and charges, the filing of accounts, the appointment of receivers and managers and various matters relating to debentures. The First Schedule contains a list of the stamp duties chargeable, and a further schedule is added setting out the regulations for the management of a company.

1926.

The Northern Rhodesia Order in Council, 1926.—By an Order dated August 30, 1926, the Northern Rhodesia Order in Council, 1924, was amended by the repeal and replacement of Art. 9 of the last-mentioned Order. This article provides for the appointment of a Deputy to the Governor whenever the Governor is temporarily absent from the seat of Government. The Deputy Governor may exercise any of the powers of a Governor which are specified in the instrument appointing him. In practice the Deputy is empowered to exercise all these powers save only the power of pardon, which is reserved for exercise by the Governor himself.

Marriage.—By Ordinance No. 6, marriage with the widow of a deceased brother is recognized.

In this same year several amending Ordinances were passed relating *inter alia* to the Post Office Savings Bank, the Administrator-General, Medical Practitioners and Dentists (permission to missionaries to practise amongst natives), Magistrates' Courts (attachment of wages), Game (game licences), Customs and Excise Duties (rebate on pneumatic tires, sacramental wines and medicinal preparations for mission societies), and an important amendment to the Criminal Law whereby sentence of death may be passed on any person convicted of the crime of rape. This latter amendment owes its origin to the prevalence of that crime in Southern Rhodesia and the desirability of bringing the law in this respect into line with that of the neighbouring Colony.

Agriculture.—Ordinance No. 11 was introduced to regulate and control the quality of maize and to restrict the sowing of this cereal to suitable varieties only. Its provisions were not to operate except on petition to the Governor by the growers of maize in any particular area. Objections to such a petition were to be considered, and if the number of objectors exceeded the number of petitioners, then the petition was to be refused. The operation of this Ordinance was suspended for some time, and it was not until 1927 that it was actually brought into force.[1]

Police.—By Ordinance No. 16 the laws relating to the police force are amended and consolidated. This Ordinance now regulates the recruitment, conditions of service, discipline, employment for civil and military purposes, and the retirement, pensions and gratuities of the Northern Rhodesia Police. Although this force is primarily a civil one, it can be employed for military purposes in the event of war or in any other time of emergency.

Dangerous Drugs.—Ordinance No. 17 restricts the import, export, cultivation, sale and supply of certain drugs enumerated therein, *e.g.*, opium, morphine, cocaine and Indian hemp. These drugs and their salts, and several other substances which have been added by subsequent notice in the *Gazette*, are strictly controlled. Full details are required to be kept of the amounts possessed and supplied by chemists, druggists, medical practitioners, dentists and veterinary surgeons: prescriptions must be preserved, and heavy penalties are prescribed for any contravention of the law.

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[1] Ordinance No. 18 of 1927.

Income-tax.—The existing legislation governing the imposition of an income-tax (which had been introduced into the Territory in 1921) is repealed and replaced by Ordinance No. 18, a comprehensive measure containing 62 sections. Two minor amendments to this law are to be found in Ordinances Nos. 12 and 19 of 1927.

Minor Legislation.—Ordinances to provide for the registration and control of clubs (No. 20); for perpetual succession to land (No. 21) (which latter law enables religious communities as well as associations established for educational, literary, scientific, social or charitable purposes to become incorporated and to hold land in perpetuity) were passed during this year. Other laws relating to wheel tax and to road and road traffic were passed in this year, but have since been repealed. Legislation under this latter head will be found amongst the legislation of 1927.

1927.

In the year 1927, 29 Ordinances in all were passed, approximately half of which were amendments to the existing law. Of the other half the most important was the Railways Ordinance.

Railways.—In view of the fact that the railways operating in this Territory form part of the general system covering both Northern and Southern Rhodesia, it was thought desirable to establish a Railway Commission composed of representatives from these two Territories and from the High Commission Territory of Bechuanaland. Accordingly, by Ordinance No. 2, this Commission was brought into being and its powers and duties defined. These include an annual adjustment of railway charges and the hearing of complaints by members of the public against the railway companies. The procedure and practice of the Commission are governed by rules made with the approval of judges of the High Courts of Northern and Southern Rhodesia respectively, which rules have since been published.

Emergency Powers.—A measure of some importance is to be found in Ordinance No. 9, which empowers the Governor to declare the existence of a state of emergency in the whole or any portion of the Territory and immediately on the promulgation of such Proclamation to assume complete control of all means of communication and transport, all supplies of food, liquor and necessaries, all electric, water and other power stations and all arms, ammunition and explosives. The Governor is further empowered, so long as the state of emergency exists, to regulate and control the prices which may be charged by traders for necessaries (which include clothing, fuel and drugs), and to take such measures as he deems essential to the public safety and the life of the community.

Public Officers.—In order to bring the conditions of services of public officers of the Territory into line with those of other East African Dependencies, the European Officers' Pensions Ordinance (No. 10) was introduced in this year and rules which had previously been published under the Civil Service Proclamation, 1920, were enacted in the form of an Ordinance (No. 11).

Roads and Road Traffic.—The law relating to motor traffic on public highways (No. 14) follows in the main the provisions of the English Act of 1903. It is similar in form to legislation in the East African Dependencies, and more particularly to that in force in Tanganyika. The Schedule contains the licence fees prescribed for various motor vehicles and (Parts III and IV) conditions as to construction and user. The main feature in which this law differs from legislation in force in the United Kingdom is the necessity for a certificate of competence, the granting of which is dependent upon the examination in the use and control of the particular motor-car in respect of which the certificate is sought. Whatever may be the arguments for or against this system in other countries, it is obvious that where native drivers are employed, some such certificate is necessary in the interests of public safety. In regard to vehicles other than motor-cars, and in regard to the traffic on roads generally, the law prior to this year was consolidated and re-enacted by Ordinance No. 15.

Municipal Corporations.—Owing to the increasing size of the more important townships on the railway line, it was thought advisable to provide machinery for raising them to the status of a municipality, to grant larger powers of local government and in particular to provide for the levying of rates. Accordingly, the Municipal Corporations Ordinance was introduced in this year and its provisions applied to the township of Livingstone, which thus becomes the first municipality to be created in Northern Rhodesia. This Ordinance is modelled partly on similar legislation in Kenya and partly on Southern Rhodesia law, and provision is made for bringing other townships within its operation as occasion arises. The first Municipal Council was nominated by the Governor to hold office for a period not exceeding one year pending the first election of councillors.

Lunacy.—The Lunacy Ordinance follows the lines of similar legislation in the Uganda Protectorate. At present there is no asylum in the Territory, but in some of the larger towns buildings forming part of or adjoining the gaols are set apart for the purpose of housing such lunatics as can reasonably be accommodated therein. Where for any reason such accommodation is inadequate or unsuitable, persons of unsound mind are, by special arrangement with the Government of Southern Rhodesia, admitted to the Ingutsheni Asylum.

Victoria Falls.—The area in the immediate vicinity of the Victoria Falls has now been put in charge of a Curator by the Victoria Falls Reserve Preservation Ordinance, and regulations have since been made to protect animal, bird and vegetable life and generally to prevent destruction or damage by visitors to these famous Falls. As a portion of the area is in Southern Rhodesia, similar legislation was enacted simultaneously in that Colony.

1928.

Eight Ordinances only were passed in this year, of which the more important are a Commissions of Inquiry Ordinance, which empowers the Governor to appoint commissions of inquiry for various purposes; a Promissory Oaths Ordinance, which prescribes the form of oath to be taken by members of Executive and Legislative Councils and by various public officers; and a Native Tax Consolidation Ordinance, which provides that on conviction for non-payment of tax, resort may be had to distress in order to recover the amount of the tax. Under this latter Ordinance it is only in default of sufficient distress that a native may now be imprisoned as a tax defaulter.

General.—Owing to the extensive and valuable base metal discoveries in the area north of Ndola, it is not too much to say that this Territory may in a few years become the most important copper centre in the world. Events are moving with such rapidity that a large influx of Europeans may be confidently anticipated. These changes are naturally reflected in an increased legislative programme, and at the last session of the existing Legislative Council held in March, 1929, no less than 36 enactments were placed on the Statute Book. These measures will be reviewed in the 1929 summary of legislation. Unofficial representation on the Legislative Council has been increased to 7 members instead of 5—which fact alone is indicative of progress. The publication of the Hilton Young report on closer union has not disclosed anything new in regard to the future of Northern Rhodesia, and so far as can be ascertained, no immediate change is likely to take place in its constitution or status.

7. SOUTHERN RHODESIA.

[*Contributed by* A. E. SPEIGHT, ESQ., B.A., LL.B., *Law Officer.*]

1927.

Twenty-three Acts were passed in 1927, three dealing with appropriation. Of the remainder the principal features were:

Sale of Liquor to Natives.—No. 2 amends the law dealing with the sale of liquor to natives by throwing the onus of proof on the accused when the defence is that he is an inhabitant or a descendant of an inhabitant of St. Helena and not a native within the meaning of this particular law.

Criminal Law.—The Natives Adultery Punishment Act (No. 3) makes the husband a competent witness as to the fact of marriage and the absence of his consent in the prosecution of a native married woman for adultery.

The Criminal Law Amendment Act (No. 5) raises the age of consent to 16.

Motor Vehicles.—No. 6 provides for the registration of vehicles, the licensing of drivers, and deals generally with the use of such vehicles. Prior to this Act the control of motor traffic was in the hands of local bodies only and there was no general law for the Colony. C. I requires every motor vehicle to be registered with the Civil Commissioner by its owner and to bear a distinctive letter (allotted to the district) and number. C. II requires all drivers to be licensed, after examination. Provision is made for endorsement and suspension of licences. C. III sets out various duties and offences, such as the use of false numbers, the duties of drivers in accidents and when meeting restive animals, speeding and reckless driving, use of lights, etc., s. 16 making it an offence to tamper with another person's car in any way without permission and provides special punishments for unauthorized "joy-driving."

Medical, Dental and Pharmacy.—No. 8 deals with medical practitioners, dentists, chemists, midwives and nurses, also the sale of poisons.

We have to go back to 1830 to find the existing law relating to the registration of medical men and chemists and the sale of poisons; the registration of nurses is new to the law. Provision is made for a Medical Council consisting of eight elected and three nominated members, and this Council is given powers of regulating such matters as the qualification and fees for registration, courses of study and examinations, the practice of nursing in its various branches, registration of persons desiring to practise the treatment of physical defects, the sale and keeping of poisons. Such regulations must receive the approval of the responsible Minister. A register is to be kept containing entries of all persons registered under the Act. Falsely representing oneself as a registered practitioner, practising for remuneration or advertising oneself as prepared to practise without being registered, is made a serious offence. The Council is given power to inquire into any complaint or charge of improper or unprofessional conduct against any person registered under the Act, and in the event of continued or grave misconduct the Governor in Council may direct the removal of the name of such person from the register.

The sale and keeping of poisons are treated very fully, the general proviso as to sale being that no person other than a chemist may sell, the exceptions being medical practitioners dispensing, and general dealers, under certain conditions, holding certificates by a magistrate entitling them to sell patent medicines, also poisons for veterinary or agricultural purposes or for the destruction of vermin. Poisons books are to be kept by sellers and entries of sales to be made therein.

Income-tax.—No. 11 amends the law relating to income-tax. As regards the liability on the grounds of carrying on business within the Colony, this has been altered to allow taxation of anyone whose principal place of business is situated in the Colony or whose business is wholly or partly managed therefrom.

Abatements in respect of wife, children and dependents have been set out anew with slight changes found necessary in practice. The exemption from taxation of the revenues of life insurance companies, taken away by the Act of 1925, is restored.

Land Bank.—No. 12 provides for additional advances by the Land Bank for the purposes of fencing, dipping tanks or bore holes. These advances are limited in amount and may not exceed, together with other advances, 75% of the value of the land, or if the advance is on the security of Crown land, 60% of the amount received as purchase price.

Hire-purchase Agreements.—No. 13, providing for the registration of hire purchase agreements, is quite new. It affects such agreements relating to property of a greater value than £50. They must be in writing and registered within two weeks of being entered into, the agreement being cancelled when the property in the goods passes. Failure to register an agreement results in it being deemed to be a sale on credit, ownership passing.

Native Affairs.—No. 14 consolidates the law dealing with the administration of natives, and introduces a few new provisions. The office of Assistant Chief Native Commissioner is created and his functions set out; the jurisdiction of magistrates' courts in civil cases where the rights of natives only are concerned is withdrawn; appeal is given to the Chief Native Commissioner in criminal cases for contravention of the Act; a court of appeal in native civil cases is created, this to consist of the Chief Native Commissioner and two superintendents or native commissioners, with further appeal therefrom to the High Court.

Criminal Trials (High Court).—No. 18 is noteworthy inasmuch as it amends the long-standing law relating to trial by jury. It provides that a European may, at his request, and a native shall, be tried, instead of by a jury, by a judge and two assessors selected by the judge from, if the accused be a European, magistrates or native commissioners, or if a native, native commissioners of ten years' standing.

Water.—No. 22 is a consolidation of the legislation dealing with rights to water. This legislation dates from 1913, and the broad principle thereof was the vesting of all water other than private water in the State and establishing a Water Court for the distribution beyond the right of riparian owners to the primary use. Space does not permit of a detailed treatment of the subject, but the principal amendments in this Act are as follows. The definition of public water has been altered to bring in vleis and swamps which often occur at the source of a stream and in its earlier course. Power is given to the Governor, on the recommendation of a Water Court, to grant the use of water for industrial or power purposes to persons whether landowners or not on payment of compensation to holders of existing rights. New provisions are made in regard to the rights which may be acquired by miners, railway and local authorities. The landowner, as also the miner, has the right to water for primary use; the miner may be granted water for mining purposes, but if such right covers water used beneficially for secondary purposes, by virtue of an existing right, compensation must be paid to the landowner. Similarly with regard to railways. Applications by local authorities will be dealt with by the Water Court in its discretion, compensation to be made for interference with rights. Water Courts may fix areas in which, owing to the fact that the volume of water is insufficient for all holders of rights, priority of right shall rule. Additional powers are given to Water Courts; the parties may agree that the decision of such a court shall be final; the court may reserve questions of law for the decision of the High Court. Provision is made to meet the subdivision of land served by a combined irrigation scheme.

Licences and Stamps.—No. 23, consolidating the law relating to stamps and licences, does not contain much that is new. Consolidation was required owing to the numerous enactments on the subject. There have been numerous small additions and amendments, the most interesting being in connexion with general dealers' and hawkers' licences. The grounds on which such licences may be refused have been extended, and whereas no licence was formerly required for selling South African products, that exemption is now limited to the products of the Colony.

1928.

Boy Scouts.—Act No. 2 protects the activities and interests of the Boy Scouts Association.

Native Taxation.—No. 3 allows the Governor to exempt from native tax students and pupils.

Naturalization.—No. 4 provides that persons naturalized in the Colony and afterwards becoming naturalized in any foreign state shall be deemed to have lost their status as British subjects in the Colony.

Victoria Falls.—No. 5 allows the Governor to create a reserve in the vicinity of the Victoria Falls and to make regulations governing such reserve, with a view to the protection of the fauna and flora therein and the locality generally.

Arbitration.—No. 8 provides an up-to-date measure to replace, except in some special cases, the Act of 1882 of the Cape of Good Hope, long ago repealed in that Colony.

Married Persons' Property.—No. 10 amends the law as to the property of married persons and is a further step towards the independence of married women. Whereas by prior law persons whose matrimonial domicile was in the Colony would be deemed to be married in community unless an antenuptial contract precluded this, this Act provides that there shall be no community unless prior to the marriage the parties enter into a solemn agreement to that effect, which agreement must be registered.

It also provides for persons already married in community excluding community and dividing the common property by notarial deed.

Land Taxation.—No. 22 introduces a new important principle in providing for the taxation of land unoccupied or inadequately occupied or developed. The object of the Act was not so much to increase the revenue by taxation but to bring land under development. Large tracts of country, held chiefly by companies, are as yet undeveloped. The principle is briefly that the owner of such land fixes a value on which tax is levied and the Government may expropriate the land on payment of that value plus 10 per cent.

Electoral.—No. 23 provides for the qualification and registration of parliamentary voters, and for the conduct of elections, and all incidental matters. The previous law was contained in a multitude of old Acts of the Cape of Good Hope, Proclamations and Ordinances. There are certain new provisions worthy of mention. Some alterations have been made to the franchise, without prejudice to existing voters except as regards certain penal disqualifications. Aliens no longer may vote. The salary qualification has been extended to income whether earned or unearned. The dictation test (50 words) has been done away with. The deposit made by candidates will be returned in full unless forfeited by reason of an insufficiency of votes in his favour. Voting by post is another new feature.

BRITISH EMPIRE.

VII. BRITISH INDIA.

[*Contributed by the* Hon. Sir Henry Moncrieff-Smith, Kt., C.I.E., I.C.S.]

The total number of Acts passed in the Legislatures of British India in 1928 was 83 as compared with 79 Acts placed on the Statute Book in 1927. The measures which became law were, however, of considerably less importance than in the previous year. The local Legislatures, in so far as they displayed any activity, seem to have been engaged rather in correcting mistakes and removing defects in the existing Statute Book than in enacting new legislative measures. Once again the Governor-General and the Governors of Provinces were not called upon to exercise any of the special emergent powers of legislation conferred upon them by the Government of India Act.[1]

1. ACTS OF THE INDIAN LEGISLATURE.

Acts passed—21.

Hindu Law.—Act No. 12 is an important measure which lays down that, notwithstanding any rule of Hindu law or custom to the contrary, no person governed by the Hindu law, other than a congenital lunatic or idiot, shall be excluded from inheritance or from any right or share in joint family property by reason only of any disease, deformity or physical or mental defect. Hitherto the law had excluded from inheritance those who were congenitally blind or deaf and dumb, those who had suffered from birth from the want of any limb or organ, persons who were lepers and sufferers from certain incurable diseases. The propriety of the disability in some of these cases had been several times doubted by one of the High Courts. The Bill was a private Bill, promoted by a non-official member of the Legislative Assembly. It was a revival of a Bill which had been passed as long ago as 1923 by the Assembly but which had lapsed when it was in the Council of State.

Protection of Industries.—Act No. 17 was passed on the recommendation of the Tariff Board to provide protection for the indigenous match industry by converting the existing import duties on matches and on certain materials used in their manufacture into protective duties. Act No. 8 is a measure of no great importance designed to give further protection to the steel industry by the modification of certain import duties.

Trade Unions.—Doubt had arisen as to the tribunal to which appeals under s. 11 of Act No. 16 of 1926[2] against an order of refusal of a Registrar to register a trade union should lie. Act No. 15 clears up this doubt and also defines more clearly the powers of a High Court in hearing appeals.

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[1] 5 & 6 Geo. V, c. 61; 6 & 7 Geo. V, c. 37; and 9 & 10 Geo. V, c. 101.

[2] See *Journal of Comparative Legislation*, Third Series, vol. x, pt. iii, p. 144.

Insurance.—Act No. 20 deals with two matters. Its first object is to remove a defect in the Indian Life Assurance Companies Act, 1912, in regard to the distribution of the assets of a life assurance company in liquidation. Under the law as it previously stood, it would be possible for the shareholders of a solvent life assurance company, by putting it into voluntary liquidation, to obtain possession of the surplus in the life fund and thereby deprive the policy-holders of what was intended to be regarded as part of the real value of their policies. The same defect had been found in the law in force in England. The Act inserts a section in Act No. 6 of 1912 providing that the surplus shall be allocated to shareholders and to policy-holders in the proportion in which the profits were allocated during the ten years immediately preceding the commencement of the winding up. The second object of the Act is to require every insurance company transacting any class of insurance business in India to submit annual statements showing details of its business both in and outside India. This was stated to be a preliminary step towards a general overhaul of the law relating to insurance.

Merchant Shipping.—Under the Devolution Rules made under s. 45A of the Government of India Act,[1] shipping and navigation are a central subject. In practice, the subject was administered through the agency of provincial governments. Act No. 6, by means of a large number of amendments of the Indian Merchant Shipping Act, 1923, vests in the Governor-General in Council the control of matters covered by that Act, just as Act No. 17 of 1927[2] brought the administration of lighthouses directly under the control of the central government. The Act, however, contains a section enabling the Government of India to delegate to a local government all or any of its powers under the Indian Merchant Shipping Act.

Ports.—Act No. 11 declares the port of Chittagong to be a major port, the effect of which is that the statutory control of its administration is transferred from the local government to the Government of India. At the same time, the opportunity was taken to reconstitute the Board of Port Commissioners so as to give more effective representation to local interests.

Mines.—Under the Indian Mines Act No. 4 of 1923 there were provisions limiting the weekly hours of work for those who work above ground to 60 and for those who work underground to 54. But there was no statutory limit on the daily hours of work. The object of Act No. 13 is to secure that hours of work shall be more evenly distributed throughout the week. It lays down that no person shall work for more than 12 hours in any consecutive period of 24 hours and that, if work is to be carried on in such period for more than 12 hours, it shall only be by a system of shifts which shall not overlap in respect of persons engaged in work of the same kind. It also prohibits the employment in a mine of any person who has been employed in any other mine during the preceding 12 hours.

Finance.—Act No. 5 merely repeats the rates of salt duty, postage, income-tax and supertax, laid down in the Finance Act of 1927.[3]

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[1] 5 & 6 Geo. V, c. 61; 6 & 7 Geo. V, c. 37; and 9 & 10 Geo. V, c. 101.

[2] See *Journal of Comparative Legislation*, Third Series, vol. xi, pt. iii, p. 161.

[3] *Ibid.*, vol. xi, pt. iii, p. 161.

Salt.—Act No. 1 applies to the Salt Department in Burma the arrangements for administration which are in force elsewhere by bringing the Department under the direct control of the Government of India. Act No. 19 amends the Madras Salt Act No. 4 of 1889 by giving certain officers who have power to arrest offenders without warrant power also to admit to bail.

Income-tax.—Act No. 3 makes several changes in the law relating to income-tax, of which the most important are as follows: It permits the cost of replacing live-stock used for the purposes of a business to be deducted as business expenses in computing the income. It defines the method of assessment to be adopted when a partition has taken place in a Hindu undivided family and when a change has taken place in the constitution of a firm. It enables commissioners and assistant commissioners of income-tax to rectify mistakes occurring in appellate orders passed by them. It enables an income-tax officer, who hitherto could only impose the maximum penalty for default in payment of arrears of tax, to impose a smaller penalty and gradually to increase it from time to time up to the maximum if the default is persisted in.

The other Acts passed in 1928 in the Central Legislature were of no great interest.

2. MADRAS.

Acts passed—8.

Food Adulteration.—Act No. 2 amends Madras Act No. 3 of 1918 with the main objects of preventing the sale of watered milk and of enabling the Government to provide for the proper labelling of tinned milks and to fix standards of purity for tea.

Marriage.—The licences granted to three Indian ministers of an American Baptist Mission to solemnize marriages under the Indian Christian Marriage Act, 1872, were revoked on the ground that they had been absent from their villages for more than a year. The licences were renewed more than two years later; but as the ministers had continued in the interval to solemnize marriages it became necessary to pass Act No. 4 in order to validate their acts.

State Aid to Industries.—Though the Madras State Aid to Industries Act No. 5 of 1923 had been in force for over four years, some of its provisions had clearly prevented cottage and other small industries from applying for aid. Act No. 8 therefore lays down that the provisions limiting the amount of the loan to 50 per cent. of the assets of the concern applying for aid, and requiring numerous returns and statements to be submitted and audited accounts to be kept, shall not apply to industries whose capital outlay does not exceed Rs. 1,000 or to cottage industries.

The remaining Acts were unimportant and of purely local application.

3. BOMBAY.

Acts passed—12.

Stamps.—The Government, as in 1926 and 1927, introduced a Bill to make permanent the enhancement of stamp fees introduced by Act No. 2 of 1922; but once again the Council, in passing Act No. 1, agreed to a further extension of one year only.[1]

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[1] See *Journal of Comparative Legislation*, Third Series, vol. x, pt. iii, p. 145, and vol. xi, pt. iii, p. 163.

Court Fees.—Similarly, in regard to enhanced court fees, the Government put forward legislation to make these permanent, but Act No. 2 limits the operation of the principal Act to one further year only.

Loans.—Act No. 3 provides for the grant of government loans for the relief of distress caused by floods or other calamities to persons not entitled to receive loans under the Agriculturists' Loans Act No. 12 of 1884.

Universities.—Act No. 4 provides for the reconstitution of the University of Bombay which was founded in 1857. The measure increases the elected element in the Senate, which is the supreme governing body, from about one-fifth to three-fourths of the total. It makes provision for greater facilities for higher education, for post-graduate teaching and research, and for physical and military training. Later in the year, Act No. 12 was passed to make it clear that, in so far as military training was concerned, the University's only duty was to make financial provision, the giving of the training being the function of the military authorities.

Local Self-government.—Act No. 8 provides for the first time for the representation of labour interests in the City of Bombay municipality, by allowing four such representatives out of a total of one hundred and eight. Acts Nos. 9 and 10 make numerous amendments of detail in the City of Bombay Municipal Act No. 3 of 1888.

The other Acts were unimportant amending measures.

4. BENGAL.

Acts passed—4.

Borstal Schools.—Act No. 1 enables the local governments to establish Borstal schools, to which the Inspector-General of Police is empowered to transfer adolescent criminals already undergoing sentence in jails or reformatory schools. It also empowers certain classes of magistrates to direct that adolescent offenders on conviction shall be detained in a Borstal school for a period of from two to three years in lieu of passing a sentence of imprisonment. The Act provides for a system of release on licence.

Medical Registration.—Act No. 2 strengthens the Council of Medical Registration in Bengal by reconstituting it and giving it power to inspect medical colleges and schools.

Land Tenures.—Act No. 4 revises the whole law relating to agricultural tenancies in Bengal by a very large number of amendments to the Bengal Tenancy Act of 1885. The passage of the Bill through the Council occupied three years. It is impossible to summarize its provisions, which deal with a highly complicated and technical subject. On the whole the Act tends to enhance the rights and privileges of tenants and sub-tenants.

5. UNITED PROVINCES.

Acts passed—2.

Education.—Act No. 2 amends the United Provinces District Boards Act No. 10 of 1922 with the object of providing means for improving the administration of vernacular education in rural areas by the constitution of education committees with considerable powers.

6. PUNJAB.

Acts passed—3.

Land Revenue.—Act No. 3 is an important measure fixing the maximum rate of incidence for the assessment of land revenue and the maximum rate of enhancement at a subsequent assessment. The Bill put forward by the Government proposed a rate of one-third of the profits in the first case, and a similar rate of incidence in the second. The Council, however, reduced the rate to one-fourth in both cases. This is probably the first occasion on which legislation has laid down so low a rate for the assessment of land revenue.

7. BURMA.

Acts passed—14.

Vaccination.—Experience of serious epidemics of small-pox in Burma had shown that the vaccination law of 1909 providing for the vaccination of labour immigrants was inadequate. Act No. 4 amends that law so as to provide for the compulsory vaccination of all persons entering Burma who cannot satisfy the authorities that they have been successfully vaccinated or revaccinated within seven years, or that they are insusceptible to vaccination. A similar law is in force in the Straits Settlements. The Act also enables local authorities to provide for the revaccination of all persons over the age of twelve years.

Criminal Law.—Act No. 5 supplements the ordinary criminal law for the purpose of dealing with the abnormal increase in the number of dacoities and murders committed in Burma. It enables the local government to apply its provisions to any area where serious crime is so prevalent as to make speedy trial expedient in the interests of the public safety; and thereupon persons accused of murder, dacoity and robbery are triable by a Court of Session, without the formality of committal proceedings by a magistrate and without a jury or assessors. Similar emergency measures had been enacted by the Government of India in the past. This Act was to have a duration of three years only and was to come into force on such date as the local government notified. It does not appear, however, that it has yet been brought into force.

Act No. 7 has a similar purpose. Inasmuch as many murders and dangerous assaults had been committed with the use of knives with long and pointed blades to which the provisions of the Indian Arms Act No. 11 of 1878 requiring licences to be held do not apply, Act No. 7 amends the definition of "arms" in the Arms Act so as to include certain knives with long and pointed blades, though such weapons may ordinarily be used for domestic or agricultural purposes.

Tax on Betting.—Act No. 9 applies to meetings for horse or pony races. It enables the Government to levy a tax on all sums paid as bets into a totalizator at a rate of 2½ per cent., and at the end of five years (the Act came into force on June 1, 1928) to raise the tax to 5 per cent.; also to levy a tax not exceeding one rupee on every bet made with a book-maker. The Act lays on the director of the meeting the responsibility for collecting the taxes. Except in the case of the race-course of the Rangoon Turf

Club, the Government can as an alternative fix a lump sum not exceeding Rs. 500 as the betting tax for a single meeting.

Adulteration of Food and Drugs.—Act No. 10 deals with this subject on the lines of the English Acts, 1875 to 1899, and of the Bombay Act of 1899. It applies only to those areas where, in the opinion of the local government, adulteration is particularly prevalent and where the general provisions of the Indian Penal Code and of the Municipal Acts in force in Burma are not adequate to check the evil.

8. BIHAR AND ORISSA.

Acts passed—4.

Dangerous Drugs.—Act No. 1 amends the excise law in force in the Province so as to prohibit the production of cocaine and to raise to 18 years the age limit for the employment of young persons in drug and liquor shops and for the possession of dangerous drugs.

Opium.—Act No. 2 was passed to give effect, so far as the Province of Bihar and Orissa is concerned, to the Government of India's ratification of various Conventions adopted at Geneva in 1925. The Act aims at the ultimate suppression of opium-smoking. It penalizes the manufacture, possession, smoking or other use of opium prepared for smoking and the keeping of opium dens. But it does not go quite so far as the Opium-smoking Act[1] passed in Assam in the previous year. It makes one important exception in favour of opium addicts who are not less than 25 years of age and whose names are entered in a register maintained by the proper authority. This register is to remain open for two years only from the date the Act came into force, namely, January 1, 1929. Thereafter, no further entries are to be made in it. It is noticeable that the Act was passed without any opposition either within or without the Legislature.

9. CENTRAL PROVINCES.

Acts passed—13.

Weights and Measures.—Act No. 2 is an attempt to introduce into the Central Provinces standard systems of weights and measures which local authorities are required to adopt. Without such a system the variety even within the limits of a single province is very great.

Borstal Schools.—Act No. 9 provides for the establishment by the Government of Borstal institutions in which adolescent offenders may be detained in lieu of serving sentence of imprisonment in jails. The Act follows closely the provisions of the Punjab Borstal Act No. 11 of 1926.[2]

Children.—Act No. 10 provides for the custody and protection of children and young persons and for the custody and trial by special courts of youthful offenders. All the major provinces have now enacted legislation for these purposes, and the Central Provinces Act is based on and follows very closely the Bombay Children Act No. 13 of 1924.

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[1] See *Journal of Comparative Legislation*, Third Series, vol. xi, pt. iii, p. 166.

[2] *Ibid.*, vol. x, pt. iii, p. 147. See also *ibid.*, p. 145.

10. ASSAM.

Acts passed—2.

Highways.—Act No. 2 follows Bengal Act No. 3 of 1925 [1] and Bihar and Orissa Act No. 3 of 1926 [2] in giving the local government statutory power to provide for the safety and repair of roads under its direct control.

11. COORG.

Acts passed—Nil.

12. REGULATIONS UNDER SECTION 71 OF THE GOVERNMENT OF INDIA ACT.

Regulations made—6.

Ajmer Merwara.—Regulation No. 2 provides a summary procedure for the redemption of mortgages made prior to 1914 in which either the area mortgaged does not exceed thirty acres or the debt secured does not exceed Rs. 1,000. The mortgagor may proceed by petition to the collector, who disposes of the matter after summary inquiry. No legal practitioners are allowed to appear. Either party aggrieved by an order of the collector may file a regular suit in the civil court to establish his right, but otherwise the collector's order is final.

North-West Frontier Province and British Baluchistan.—Regulation No. 3 extends for a further period of three years the security regulations of 1922 in force in those areas. These regulations give the head of the local administration power to issue orders in regard to a suspect that he shall not enter the Province, that he shall leave the Province or confine himself to a particular area therein or that he shall abstain from specified acts. Disobedience of an order is punishable with imprisonment which may extend to one year.

The other regulations were of minor importance.

VIII. EASTERN COLONIES.

1. CEYLON.

[*Contributed by* C. C. A. Brito-Mutunayagam, Esq., B.C.L., M.A., *Acting Legal Draftsman.*]

Ordinances passed—31.

Agriculture.—As a result of the comparative recovery in the price of rubber, the restrictions on the production and export of rubber which were imposed by the Rubber Restriction Ordinance No. 24 of 1922 and the Rubber Restriction Ordinance No. 22 of 1927, in order to maintain the price at a paying level, are removed by No. 21 which repeals these Ordinances. Further provision is made in s. 3 for the financial arrangements consequent on the closing of the Rubber Controller's office and for the application of any balance left over in the Rubber Restriction Fund towards the furtherance and development of the rubber industry and connected purposes.

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[1] See *Journal of Comparative Legislation*, Third Series, vol. ix, pt. iii, p. 157.

[2] *Ibid.*, vol. x, pt. iii, p. 148.

To assist and control scientific research in connexion with the cultivation of cocoanuts, which is one of the principal industries of the country, No. 29 establishes and incorporates a Board of Management (s. 2) constituted on a properly representative basis (s. 3). S. 4 authorizes the Board to acquire, hold and sell land, establish experimental stations, advise and give practical assistance to cultivators and also to provide facilities for students. The initial expense is to be borne equally by the Board and the Government, the repayment of the contribution by Government being effected by ten annual instalments (s. 5). An annual grant by Government for the first 12 years, the income from an addition to the export duty on cocoanut produce and the profits accruing from the Board's activities are to constitute the funds at the disposal of the Board (s. 6). The Legislative Council has a voice in the financial commitments of the Board (s. 8), and in doubtful cases the Governor in Council is the final arbiter of what the powers of the Board are.

No. 31 enacts the law that is to apply to the three "botanic gardens" in the Island, and permits of its extension to other areas so declared by the Governor in Council (s. 2). For their management a set of regulations is provided in Schedule II which may be modified and added to within the limits prescribed by s. 3. A breach of any of the provisions of this Ordinance or the regulations is an offence in respect of which the curator of the gardens is given the right to arrest if the offender will not give his name and address (s. 4).

Banking.—The maximum annual and total deposits that were fixed by the Ceylon Savings Bank Ordinance in 1859 was increased in 1892 (Ordinance No. 12). This latter maximum is doubled by No. 14 to keep pace with the greater prosperity of the country. The amount that may be deposited by charitable societies is also increased. Interest cannot be lawfully paid on sums above the authorized maximum deposit.

Criminal Law and Procedure.—A confession by an accused person to a police officer is inadmissible in evidence against him under s. 25 of the Ceylon Evidence Ordinance, 1895; under s. 26 even a confession made by him to others while in the custody of a police officer is inadmissible unless made in the immediate presence of a police magistrate; and where anything is discovered in consequence of such a confession, only so much "as relates distinctly to the fact thereby discovered may be proved" according to s. 27. Forest officers and excise officers are frequently engaged in activities not unlike the duties of police officers (*e.g.* under ss. 48 and 49 of the Forest Ordinance, 1907, and ss. 34 and 37 of the Excise Ordinance, 1912), and there is not a sufficient difference in other respects between these and police officers to justify a distinction in the matter of confessions made to them by persons in their custody. So, by means of sub-sections to ss. 25 and 26 and a proviso to s. 27, No. 18 extends the limitations imposed by these sections to confessions made to forest officers and excise officers.

No. 20 removes the requirement that a fine imposed under s. 7 of the Cattle Trespass Ordinance, 1876, must be equal to the damages awarded under that section and permits the imposition of any fine that does not exceed the damages awarded.

The Governor in Council is permitted by No. 24 to limit the operation of the Informers Reward Ordinance, 1914, for specified periods and for specified courts in respect of offences under the Prevention of Cruelty to Animals Ordinance, 1907.

As the operation of s. 19 of the Youthful Offenders Ordinance, 1886, was restricted to cases of conviction for an offence " punishable by fine *or* imprisonment," No. 26 widens its usefulness and the scope of the special treatment contemplated by it by extending its application to offences punishable by fine or imprisonment or both.

The jurisdiction of the Municipal Magistrate has been enlarged by No. 25 to include offences triable under the Colombo Municipal Waterworks Ordinance, 1907.

Under s. 10 of the Prevention of Crimes Ordinance No. 2 of 1926, when a person after attaining his sixteenth year has already served a term of rigorous imprisonment of over one year in respect of " crimes " is convicted for the fourth time of a " crime," he may be sentenced (besides other punishment) to a term of preventive detention that is not less than three years and not more than five. No. 27 limits this right to impose a sentence of preventive detention to (*a*) a person leading persistently a dishonest or criminal life who since attaining his sixteenth year has already in respect of " crimes served a term of rigorous imprisonment of over three years and is again convicted of a crime for the fourth time and been sentenced to not less than one year's rigorous imprisonment and (*b*) a person who has already served a sentence of preventive detention. This amendment has been inspired by s. 10 of the Prevention of Crimes Act, 1908.

Customs.—The limit prescribed by s. 4 of the Chanks Ordinance, 1890, for the royalty that may be recovered on exported chanks is removed by No. 9, and the royalty imposed by the Governor in Council may in future be rescinded by the Legislative Council. And as this royalty is to be collected in the form of an export duty, amendments have also been made in the Customs Ordinance No. 17 of 1869.

While articles imported for the " public use " of the regular Naval and Military Forces of His Majesty are exempted from import duties by the Naval and Military Goods (Exemption from Customs Duties) Ordinance No. 3 of 1927, the exemption of articles imported for use of their athletic sports and for uses in their messes from such duty applied only in respect of Naval Forces. Government, however, annually reimbursed the military authorities for the duty they paid on this account. This Ordinance extends this exemption to the Military Forces and thereby avoids the necessity for these annual grants.

Holidays.—Under the Holidays Ordinance, 1886, all public holidays were also bank holidays, but the rearrangement and additions made to the former in 1917 have proved unsuitable for banking purposes, and therefore in No. 1 the two classes of holidays are dealt with separately. Introduced for this purpose, all holidays came to be redistributed in accordance with the requirements of the different religions prevalent in the Island. Thus Maundy Thursday is made a public holiday for the sake of the Christians, *Ramazan* at the instance of the Moslems, out of regard for the Hindus the new moon day in the month of *Adi* (July), and in deference to the desires of the Buddhists, who form the majority in the country, the full moon days in the months of *Poson* (June) and *Wesak* (May). And to bank holidays have been added, besides Maundy Thursday and *Ramazan*, the Moslem festival of *Hadji* and the Hindu festival of *Vel*. Bills of exchange and promissory notes are exempted from the operation of this

Ordinance, as suitable provision in respect of them is made in ss. 14, 15, 41, 51 and 93 of the Bills of Exchange Ordinance No. 25 of 1927. The Holidays Ordinance, 1886, has been repealed.

The rearrangement of public holidays resulted in four of them falling within the periods of the normal vacation of the Supreme Court, and so No. 2 suitably distributes four additional days among the vacations.

Local Government.—The by-law making powers of the Nuwara Eliya Board of Improvement has been enlarged by No. 3 to permit of the protection of imported ornamental birds and plants by the establishment of reserves.

The right to be elected a member of a District Committee under the Road Ordinance, 1869, has been extended by No. 22 to those resident in the district for the six months immediately preceding the election, absence out of the Island for a portion of this time being no disqualification. Formerly a candidate for election had to be " an inhabitant of the district."

No. 23 permits a municipality to appoint on a salary a Charity Commissioner to control and improve the distribution of relief to the poor and to co-ordinate the work of the organizations so engaged.

As a Sanitary Board's power to pay certain salaries, wages, pensions and gratuities by virtue of the Small Town Sanitary Ordinance, 1892, was not above doubt, No. 28 specifically authorizes them for the future and validates such payments already made. And the Governor in Council is permitted to ratify unauthorized expenditure incurred in good faith (s. 4).

Naturalization.—The Naturalization Ordinance, 1890, was amended by Ordinance No. 5 of 1922 on the lines of the English Act of 1918, but there is no provision in Ceylon to bring about an automatic loss of British status by reason of naturalization in a foreign state as provided in s. 13 of the British Nationality and Status of Aliens Act, 1914. No. 12 effects this necessary change.

Pensions and Provident Associations.—The Widows and Orphans Pension Fund Ordinance, 1898, which provides pensions for the dependents of deceased public officers in return for a compulsory deduction of 4 per cent. from their salary, was restricted in its application to officers allowed to have only one wife at a time. In effect this excluded Moslems from the benefits of the scheme. But a Committee of the Legislative Council appointed to investigate their complicated law of marriage and divorce recommended the abolition of this limitation, and hence No. 16. As only one wife could according to the scheme be given the right to a pension, the method of determining this wife in the case of those having more than one wife is essential; and it is provided for by ss. 3 and 4. The main Ordinance is to apply compulsorily in future to all Moslem public officers, except those already in the service and already married to more than one wife. These last are given three months to decide whether they will comply with the terms of the Ordinance and join the scheme or not. On the death or divorce of the wife determined by the Ordinance as entitled to benefit, one of the other wives (if there be such) does not step into her shoes for the purposes of this Ordinance, because this would alter for the scheme the ordinary risk of having a second person to take benefit under it when the wife in a monogamous marriage dies or is divorced.

Legal status is given the Ceylon Police Saving Association, to which members of the Police Department make monthly contributions in return for their contribution plus interest and a bonus on retirement or discharge. Incorporation it was felt would permit the Association to employ the funds at its disposal for the better advantage of its members. The management is in an elected committee, and membership is restricted to those attached to the Police Department.

Public Debt.—Under the Ceylon Inscribed Rupee Stock Ordinance, 1892, and the General Loan and Inscribed Stock Ordinance, contributions have to be made to a sinking fund for redemption of the loan. Sometimes it has been found that the sinking fund becomes potentially full, *i.e.* sufficient with further accumulation of interest alone to amount to the sum due on the loan when it has to be redeemed; but, nevertheless, the contributions may not cease. No. 6 therefore empowers the Governor in Council with the sanction of the Secretary of State to suspend the payment of further contributions in such circumstances.

Public Service.—In the process of decentralization the higher public officers are being gradually relieved of the less important of their duties, which are being distributed among their subordinates.

No. 7 empowers Assistant Government Agents to license laundrymen and dairymen on the recommendation of Health Officers, a matter that could formerly be done only by a Government Agent aided by the Director of Medical and Sanitary Services.

An Assistant Colonial Secretary is authorized by No. 10 to sign certain legal documents on behalf of his chief.

The place reserved for the Colonial Secretary on the Committee of the Victoria Home for Incurables may now be filled by another by virtue of No. 13.

Registration.—S. 14 of the Registration of Documents Ordinance, 1927, requires instruments presented for registration to have the land in question properly described in a Schedule on pain of an additional fee of Rs. 5. Grants and leases made by the Crown have long been in a form which incorporated the description of the land in the body of the instrument. No. 19, by way of a proviso to s. 14(6), excludes such instruments from the operation of the sub-section; and to regularize such exemptions that were actually made in practice this sub-section is given retrospective operation from January 1, 1928.

Shipping.—The exemption from the rule that no vessel shall enter the port without a pilot, which the Master Attendant is permitted by s. 4 of the Pilots Ordinance, 1899, to grant, has to be by a special written authority for each ship. No. 5 authorizes a general exemption in respect of any class of vessel, so as to avoid the constant issue of exemptions in respect of Indian, Maldivian and Ceylon sailing vessels, which are the class of craft in respect of which exemption is most frequently sought. Such general exemption must be published in the Gazette, but special individual exemptions may still be given either in writing or by telegraph or signals.

Stamps.—No. 11 was passed to effect some amendments consequent on the reduction of stamp duty made by the Stamp Ordinance No. 19 of 1927, but which were overlooked when that Ordinance was passed.

Whaling.—No. 30 was passed in anticipation of whaling operations in the territorial waters of the Island. Hunting for whale within such waters and the carrying on of operations incidental to the manufacture of whale products is prohibited within such waters or in this Island except on a licence (s. 3). For breach of this requirement a penalty is prescribed (s. 12) besides the forfeiture of the whales, oil, etc. (s. 8). The possession of a whale or whale oil without being able to prove lawful possession, and the unauthorized using of a vessel for towing or buoying whales are offences (s. 9). Derelict whales are the property of the person adjacent to whose land they are washed ashore. Export of whale oil is allowed only from Colombo and by the holder of a licence or a person entitled to a derelict whale after payment of duty. Forms of licence and Regulations are laid down in the Schedule, and the Governor in Executive Council is given the power to alter and add to these within the limits of s. 7.

2. HONG KONG.

[*Contributed by* C. G. ALABASTER, ESQ., K.C., O.B.E.]

Ordinances passed—20.

Naturalization.—Ordinance No. 1 repeals s. 7 of the Naturalization Ordinance, 1902, and substitutes a section, based on s. 1 of the British Nationality and Status of Aliens Act, 1918 (8 and 9 Geo. V, c. 38), dealing with revocation by the Governor of certificates of naturalization granted under the principal Ordinance, and adds a section based on s. 13 of the Act of 1914 (4 & 5 Geo. V, c. 17) dealing with the loss of local naturalization rights upon foreign naturalization, s. 7A of the Act of 1914 as amended by the Act of 1918 is not enacted in the Colony; apparently because it was considered that the local certificates of naturalization, granted under s. 6 of the principal Ordinance, did not confer national status on the wives or children of naturalized persons, there being nothing in the Ordinance to correspond to Part III of the Act of 1914.

Pensions and Retirement.—Under the Pensions Ordinance, 1862, subject to the approval of the Secretary of State as regards officers appointed under instructions from or through the Secretary of State, the Governor in Council may require any judge or other public officer to retire from the service at any time after he attains the age of 55 years; or may require any judge or other public officer to retire from the service at any time if, in the opinion of the Governor in Council, such judge or other public officer is unable from any cause to discharge efficiently the duties of his office. This amending Ordinance (No. 2) provides further that every judge and every other public officer, whenever appointed, shall retire from the service upon attaining the age of 60 unless the Governor in Council decides that his services shall he retained. The Ordinance does not apply to those who had attained the age of 60 before its commencement.

Dangerous Drugs.—Ordinance No. 4 amends the Dangerous Drugs Ordinance, 1923, on the lines adopted by the Dangerous Drugs Act, 1925 (15 & 16 Geo. V, c. 74), to enable effect to be given to the Geneva Convention of February 19, 1925.

Watchmen.—Ordinance No. 6 makes provision for the registration of civilian watchmen, other than those of Chinese race, and gives to registered watchmen the same powers of arrest as those possessed by the police.

Chinese Temples.—Ordinance No. 7 requires that all Chinese temples should be registered and have their affairs administered by a Committee consisting of the Secretary of Chinese Affairs and a number of prominent

Chinese citizens of the Colony. The revenues of the temples are to be applied in the first instance to the due observance of the customary ceremonies and the maintenance of the temple buildings and temple properties, and any surplus may be transferred to a general Chinese Charities Fund administered by the Committee.

United Kingdom Patents.—Ordinance No. 10 amends the Registration of United Kingdom Patents Ordinance, 1925, by extending the time for registering in Hong Kong patents granted in the United Kingdom from 3 to 5 years from the date of the issue of the patent, or in the case of patents issued prior to January 1, 1926, then to five years from December 31, 1925.

Larceny.—Ordinance No. 15 repeals the sections of the Larceny Ordinance, 1865, which were based on ss. 51, 56 and 57 of the Larceny Act, 1861 (24 & 25 Vict., c. 96), and substitutes sections based on ss. 25, 26 and 27 and adds a section based on s. 9 of the Larceny Act, 1916 (6 & 7 Geo. V, c. 50).

Review and Rehearing by Magistrate.—The Magistrates Amendment Ordinance (No. 16) permits a magistrate within seven days from any summary decision to reopen and rehear the case not only on the application of one or other of the parties, but also on his own initiative.

Carriage of Goods by Sea.—Ordinance No. 17 is practically identical with the Carriage of Goods by Sea Act, 1924 (14 & 15 Geo. V, c. 22), save that it is limited to contracts made on or after December 31, 1928.

United Kingdom Designs.—By the United Kingdom Designs (Protection) Ordinance (No. 18) the registered proprietor of any design registered in the United Kingdom under the Patents and Designs Acts, 1907 and 1919, shall enjoy in the Colony the like privileges and rights as though the certificate of registration in the United Kingdom had been issued with an extension to the Colony.

3. STRAITS SETTLEMENTS.

[It is hoped to publish this summary in the next *Review*.]

4. FEDERATED MALAY STATES.

[It is hoped to publish this summary in the next *Review*.]

5. MAURITIUS.

[*Contributed by* E. NAIRAC, ESQ., *Procureur-General.*]

Thirty-five Ordinances were passed by the Council of Government and assented to by the Governor during the year 1928, of which the following are important and are mentioned specially :—

Tobacco Excise Duty.—No. 3 levies an excise duty on all tobacco as defined in the Tobacco Ordinance, 1927, and manufactured in the Colony, and provides for a drawback of duty on exportation of such tobacco.

Customs Tariff.—No. 4 validates certain resolutions passed by the Council of Government and amends Schedule B of the Customs Consolidated Tariff Ordinance, 1928.

No. 28 provides for the increase of the duty on petrol spirits imported in the Colony.

No. 5 establishes a new preferential tariff on goods produced in Great Britain and Ireland or in Canada and consigned therefrom.

Obscene Publications.—No. 10 gives effect to the International Convention signed at Geneva on September 12, 1923, to which Mauritius had adhered and completes the local laws for the suppression of the circulation of and traffic in obscene publications.

Animal Diseases.—No. 13 provides for the formalities to be fulfilled whenever animals are imported from Great Britain and from Northern Ireland.

Succession.—No. 16 imposes the obligation on heirs to return property received by donations and establishes the legal presumption that legacies to them are made over and above their share.

Roman Catholic Church Incorporation.—No. 18 constitutes the Roman Catholic Church in Mauritius and its Dependencies into a body corporate.

Wireless Telegraphy.—No. 22 authorizes the issue of a licence for the establishment of a local broadcasting station.

House Tax.—No. 24 permits the levying, from January 1, 1929, of a tax on buildings situated outside the limits of townships.

Licences.—No. 27 alters the rates of taxes payable by owners of animals and vehicles.

Sugar Export Duty.—No. 29 carries out the promise made to the Sugar Industry and repeals the Sugar Export Duty Ordinance, 1920, and the Sugar Export Duty (Amendment) Ordinance, 1925.

Widows' and Orphans' Pension Fund.—No. 34 amends and consolidates the laws providing for pensions to the widows and children of deceased public officers.

La Nicolière Irrigation Works Loan.—No. 35 authorizes the raising of a loan of £100,000 for continuing La Nicolière Irrigation Works.

6. STATE OF NORTH BORNEO.

[*Contributed by* C. F. C. MACASKIE, ESQ., *Legal Adviser.*]

Six Ordinances were passed during the year 1928.

Hospital Dressers.—Ordinance 1 requires all persons employed as hospital dressers to take out licences, and brings them under the control of the Medical Council. Its object is to ensure that such persons shall be qualified to carry out their duties.

Merchandise Marks.—Ordinance 2 amends and consolidates the law relating to merchandise marks. It is based on the English Acts and contains no novel features.

Mosquitoes.—Ordinance 3 gives the necessary powers to sanitary authorities to enable them to undertake anti-malarial work by the destruction of mosquitoes.

Dangerous Drugs.—Ordinance 4 is a re-enactment with amendments of the Ordinance of 1923 relating to poisons and deleterious drugs in order to bring the law into conformity with the requirements of the International Opium Convention, signed at Geneva on February 19, 1925.

Native Lands.—Ordinance 5 amends the Land Laws relating to native lands in order to confirm and safeguard native customary tenure and to provide for its continuation and extension.

Rubber.—Ordinance 6 provides for the collection of a royalty on rubber.

No rules of general, as apart from local, interest were published during the year under any Ordinance.

7. SEYCHELLES.

[*Contributed by* G. E. Cooper, Esq., *Legal Adviser.*]

Ordinances passed—9.

Stamp Duties.—No. 4 consolidates all the laws relating to stamp duties, etc.

Civil Pensions.—No. 5 gives effect to the recommendations of the Colonial Office Committee with regard to pensions of civil servants.

Dock Warrants.—No. 8 permits the Treasurer to advance money against dock warrants for goods in licensed warehouses. There is no bank in this Colony, and this measure facilitates the financing of commercial operations.

Liquor Control.—A serious problem in this Colony is the excessive consumption by the lower classes of a drink known as "Bacca" made from the fermented juice of the sugar cane. For many years efforts have been made to deal with the abuse of this liquor, and for a time total prohibition was in force but proved unsatisfactory. Ordinance No. 9 is a new attempt to reduce drunkenness in the Colony.

Its provisions are shortly: (*a*) Sugar cane may only be grown by licensed persons and a heavy tax is placed on land planted in sugar cane. This controls the raw material. (*b*) All mills for the manufacture of bacca must be licensed and pay a tax. Further, the manufacturer must keep records and is forbidden to dispose of bacca except to a licensed retailer. This is intended to control the manufacture. (*c*) Retail shops are limited in number and their situation is prescribed. Each year tenders are submitted for the right of keeping these shops and only selected persons are granted a licence. Further, hours are restricted, Sunday closing enforced and the amount allowed to be taken away for consumption off the premises limited to one litre.

It is too soon to say whether this Ordinance will be more successful than previous legislation on the subject.

Statute Law Revision.—In conclusion it may be stated that the laws of Seychelles are now under revision, and it is hoped that in due course a new edition will be published. The last complete edition was published in four volumes between the years 1904 and 1912.

IX. WEST AFRICA.

1. GAMBIA.

[*Contributed by* A. G. B. Manson, Esq.]

Ordinances passed—19.

The most important of the Ordinances enacted in 1928 were:

Dangerous Drugs.—Ordinance No. 6 embodies the provisions of the British Dangerous Drugs Acts, 1920, 1923, 1925.

Registration of United Kingdom Designs.—Ordinance No. 16 provides the machinery whereby the registered proprietor of a design registered in the United Kingdom under the Patents and Designs Acts, 1907 or 1919, or any person deriving his right from such registered proprietor, may within three years from the date of registration of the design apply to have it registered in the Colony (s. 2). Every application for registration shall be made to the Colonial Registrar and shall be accompanied by two certified representations of the design and a certificate of the Comptroller-General of the United Kingdom Patent Office giving full particulars of the registration of the design in the United Kingdom and stating the date at which such design became or will normally become open to public inspection (s. 3). Upon such application being made and the fee (10s.) being paid, the Colonial Registrar shall issue a certificate of registration (s. 4). Such certificate confers on the applicant privileges and rights as though the certificate of registration in the United Kingdom had been issued with an extension to the Colony (s. 5). A register of designs is to be kept which is open to inspections (ss. 9, 10).

The Colonial Registrar may, on the request of the registered proprietor, cancel the registration of a design either wholly or in respect of any particular goods in connexion with which the design is registered ; correct any clerical error ; or enter in the register any change in the name or address of the person who is registered as the proprietor of a design (s. 12).

Naturalization.—Ordinance No. 8 deals with the revocation of certificates of local naturalization by the Governor. It shall be revoked *inter alia* (*a*) where it was obtained by fraud or concealment of material circumstances or where the person holding it has shown himself to be disloyal to His Majesty ; or (*b*) where the person to whom the certificate was granted has within five years of the date of the grant been sentenced by any court in His Majesty's Dominions to imprisonment for a term of not less than twelve months or to a term of penal servitude or to a fine of not less than £100 ; or (*c*) was not of good character at the date of the grant of the certificate ; or (*d*) has unlawfully traded with the enemy or with the subject of an enemy state during any war in which His Majesty is engaged ; or (*e*) has since the date of the grant been for a period of not less than seven years ordinarily resident out of the Colony otherwise than as a representative of a British subject, firm or company carrying on business or an institution established in the Colony, or in the service of the Crown, and has not maintained substantial connexion with the Colony.

The Governor may, before making an Order, refer the case for an inquiry before a committee presided over by the Judge of the Supreme Court or before the Judge alone.

When the certificate is revoked the Governor may by order direct that the wife and minor children of the person whose certificate is revoked shall cease to be naturalized British subjects in the Colony and they shall thereupon become aliens ; but except when the Governor so directs, the nationality of the wife and minor children shall not be affected by the revocation, but the wife may make a declaration of alienage.

The Governor shall not make any such order in the case of a wife who was at birth a British subject, unless he is satisfied that if she had held a certificate of naturalization in her own right the certificate could properly have been revoked under this Ordinance (s. 2).

Where a person to whom a certificate of naturalization has been granted by the Governor subsequently leaves the Colony and obtains naturalization in a foreign state, he shall thenceforth be deemed to have ceased to be a British subject within the Colony (s. 3).

The remaining Ordinances do not call for any special comment.

2. GOLD COAST COLONY.

[*Contributed by* S. S. Abrahams, Esq., *Attorney-General.*]

During the year 1928 thirty-four Ordinances were passed by the Legislative Council, of which the following are of some general interest or importance:

Arbitration.—No. 9 brings more up to date the law of the Colony on the subject of arbitration, and contains certain provisions made in pursuance of the Protocol on Arbitration Clauses signed on behalf of His Majesty at Geneva on September 24, 1923. References under an Order of the Court are still dealt with exclusively by rules of court, but references by consent out of court which were formerly regulated by the law in force in England on July 24, 1874, now come under the Ordinance which embodies the relevant sections of the Arbitration Act, 1889.

Revised Edition of the Laws.—No. 12 provides for a Revised Edition of the Laws of the Colony.

Children (Care and Reformation).—No. 22 provides for the detention and care in a reformatory institution of children who have been convicted in the courts or who are neglected or otherwise ill-treated. A mandate for the detention of a child in such an institution may be made by a judge or magistrate, but the mandate requires confirmation by the Governor. The person in charge of the institution is responsible for seeing that the child is properly lodged, fed, cared for and instructed. A first mandate may not issue respecting a child over fifteen years of age, and no boy or girl may be affected by a mandate after he has attained the age of eighteen years.

The Basel Mission Trading Company (Restoration of Property).—No. 26 restores to the Basel Mission Trading Company the lands and buildings which formerly belonged to the company and which were on April 5, 1928, owned by the Commonwealth Trust Limited. It may be necessary to explain that the lands and buildings belonging to the Basel Mission in the Colony were during the Great War vested by Ordinance in a Board of Trustees, which subsequently transferred the property to an English company known as the Commonwealth Trust Limited.

Spirit Licence.—No. 26 considerably increases the duties payable under the principal Ordinance in respect of spirit licences. An important innovation is the prohibition of any retail credit sale of spirits. Any person offending against this law is liable to imprisonment for one year or to a fine not exceeding one hundred pounds, or to both. Further, the consideration alleged to be due on any such sale is irrecoverable by any civil process.

(i) ASHANTI.

During the year 1928 seven Ordinances were enacted with respect to Ashanti.

Revised Edition of the Laws.—No. 2 corresponds to the Gold Coast Colony Ordinance No. 12 above-mentioned.

The Basel Mission Trading Company (Restoration of Property).—No. 6 corresponds to the Gold Coast Colony Ordinance No. 26 abovementioned.

(ii) NORTHERN TERRITORIES OF THE GOLD COAST AND THE BRITISH SPHERE OF TOGOLAND.

Revised Edition of the Laws.—During the year 1928 two Ordinances were enacted with respect to the Northern Territories, and only one with respect to the British Sphere of Togoland. An Ordinance entitled the Revised Edition of the Laws Ordinance was enacted with respect to the Northern Territories, and a similar Ordinance was enacted with respect to the British Sphere of Togoland.

3. NIGERIA.

Ordinances passed—45.

Coinage.—Ordinance No. 6 regulates the import, export and circulation of coins and notes.

Naturalization of Aliens.—Ordinance No. 11 provides for the loss of British nationality by a naturalized alien on his becoming naturalized in a foreign country.

General Loan and Inscribed Stock.—Ordinance No. 15 provides that, when a sinking fund becomes potentially full before the due date for the repayment of the loan, contributions to the sinking fund may be discontinued with the approval of the Secretary of State, provided, however, that contributions shall be recommenced if the Governor considers it necessary.

Intestate Estates.—Ordinance No. 21 makes better provision for the administration and distribution of intestate estates; for this purpose it provides for the appointment of a curator and his agents, and defines their duties.

Public Trustee.—Ordinance No. 22 provides for the appointment of a public trustee, who shall be a corporation sole under that name, with perpetual succession and an official seal, and defines his powers and duties.

European Reserve Force.—No. 24 establishes and provides for the organization and government of a European Reserve Force of Nigeria, and for purposes connected therewith.

Registration of United Kingdom Designs.—No. 30 provides for the registration in Nigeria of designs registered in the United Kingdom.

Post Office.—Ordinance No. 31 regulates the powers and duties of the Posts and Telegraphs Department. The Ordinance is divided into nine parts and one schedule. Part I is confined to interpretation; Part II deals with establishment; Part III, privilege and protection of the Government; Part IV, postage, postage stamps and franking of correspondence; Part V, conditions of transmission of postal articles; Part VI, vessels; Part VII, contracts for carriage of mails; Part VIII, Post Office Guide; and Part IX repeals the Post Office Ordinance (c. 42) and the Post Office (Fraudulent Usages) Ordinance (c. 43).

Town-planning.—No. 45 makes provision for the replanning, improvement and development of Lagos, for which purpose an Executive Development Board is constituted, being a body corporate and having perpetual succession and a common seal. The Board is to consist of three ex-officio and two nominated members, but power is given to the Governor to appoint additional members for a specified period or purpose and to vary the constitution of the Board. By Part III the Board may if it thinks fit declare any building within a town-planning area to be insanitary and defines the procedure to be followed in such case. Part IV deals with the scope, preparation and contents of a town-planning scheme, its notification by publication in the *Gazette*, and submission to the Governor in Council. Part V deals with the powers of the Board with regard to the execution of the scheme. Part VI makes provision for property injuriously affected or increased in value by the scheme. Part VII deals with the acquisition and disposal of land for the scheme; Part VIII, rating; Part IX, finance; and Part X, miscellaneous.

4. SIERRA LEONE.

Ordinances passed—34.

Supreme Court.—Ordinance No. 1 repeals s. 50 of c. 205 of the Revised Statutes and substitutes three fresh sections, setting out the necessary qualifications for the admission of barristers and solicitors to practise in the Supreme Court. The Chief Justice may admit any person (i) who is entitled to practise as a barrister in England, Northern Ireland or in the Irish Free State, or as an advocate in Scotland and who, (*a*) is of good character, (*b*) has read in the country in which he was called to the bar for at least one year in the chambers of a practising barrister of more than five years' standing, or (ii) has at any time prior to his admission as a student of an Inn of Court read in the country in which he has been called to the bar or admitted as an advocate for at least one year in the office of a solicitor or writer to the signet or law agent of more than five years' standing, or (iii) has practised in the courts of the country in which he has been called for at least two years subsequent to his call, or (iv) has subsequent to his call read in the Colony for at least two years in the chambers of a practising barrister of more than ten years' standing, or (v) has practised for at least two years as a barrister or solicitor in the courts of a British Colony or Protectorate or of a territory the government of which is for the time being administered by some part of His Majesty's Dominions. The Chief Justice may admit to practise as a solicitor in the Supreme Court any person who has been admitted as a solicitor, writer to the signet or law agent in any of the courts at London, Belfast, Dublin or Edinburgh, and who produces testimonials sufficient to satisfy the Chief Justice that he is of good character. Power is given to the Chief Justice to refuse to admit upon good cause shown.

Naturalization.—Ordinance No. 10 deals with the revocation of certificates of local naturalization by the Governor in Council. It shall be revoked (*a*) where it was obtained by false representation, fraud or concealment of material circumstances, or where the person holding it has shown himself disaffected or disloyal to His Majesty; or (*b*) has unlawfully traded with the enemy or with the subject of an enemy state during any war in which His Majesty is engaged; or (*c*) has within five years of the grant of the certificate been sentenced by any court in His Majesty's Dominions to imprisonment for a term of not less than twelve months or to a term of penal servitude, or to a fine of not less than

£100; or (*d*) was not of good character at the date of the grant of the certificate; (*e*) has since the date of the grant been for a period of not less than seven years ordinarily resident out of His Majesty's Dominions otherwise than as a representative of a British subject, firm or company carrying on business or an institution established in His Majesty's Dominions, or in the service of the Crown, and has not maintained substantial connexion with His Majesty's Dominions, or (*f*) remains according to the law of a state at war with His Majesty a subject of that state.

The Governor may, before making an Order, refer the case for an inquiry before a committee presided over by the Judge of the Supreme Court and be conducted in such manner as the Judge may direct.

The Ordinance provides that a person naturalized under this Ordinance shall cease to be so upon his obtaining a certificate of foreign naturalization.

It also provides that the wife and children of a naturalized British subject shall enjoy the same rights and privileges as those to which the husband or father is entitled in virtue of such certificate of naturalization, and on the revocation of such certificate the wife and minor children shall cease to be entitled to such rights and privileges.

Prisoners' Licences.—Ordinance No. 11 which makes better provision for the release of prisoners on licence gives power to the Superintendent to issue in the name of the Governor a licence authorizing a prisoner due for release from custody on licence to be at large subject to the conditions of the licence, which shall be in a prescribed form, and a copy of which shall be sent to the Commissioner of Police. The licence-holder shall not be liable to imprisonment for his sentence so long as the licence continues in force unrevoked. A licence-holder must state his proposed residence for record, and must report himself once monthly to the Commissioner of Police, or to the officer in charge of the nearest police station or to the District Commissioner as the case may be. Any change of residence must be notified and report made within twenty-four hours of arrival at such new residence. Conviction for failure to comply with the above provisions may be penalized by forfeiture of the licence, or if the term of his imprisonment has expired the licence-holder may be sentenced to imprisonment with or without hard labour for a term not exceeding one year. Failure to produce a licence when required by an authorized person is punished summarily by imprisonment for a term not exceeding three months with or without hard labour. A suspected licence-holder may be apprehended. A subsequent conviction entails forfeiture of licence, and in such case the licence-holder, after undergoing the punishment for the offence in consequence of which the licence is forfeited, shall further undergo a term of imprisonment equal to the unexpired portion that remained at the time his licence was granted.

Medical Practitioners.—No. 15 provides for the temporary registration as medical practitioners of medical missionaries not otherwise qualified for registration in cases where, in the opinion of the Director of Medical and Sanitary Service, there is an insufficient number of registered medical practitioners.

Native Produce.—No. 16 amends and consolidates the law relating to native produce, trading in which may be prohibited without a licence. Power is given to the Governor in Council to prescribe standards and grades for produce intended for export, etc., and to make rules in connexion therewith. Adulteration of produce is made an offence and such produce may be forfeited. All rules made by the Governor in Council must be approved by the Legislative Council before coming into force. Power is given to enter and search any building, and to inspect produce. Obstruction of an inspector in the exercise of his powers constitutes an offence, and the counterfeiting of labels, marks, etc., required under the Ordinance is penalized on summary conviction by a fine not exceeding £100 or to imprisonment with or without hard labour for a term not exceeding twelve months, or to both.

Registration of United Kingdom Designs.—Ordinance No. 28 provides for the registration in the Colony of designs registered in the United Kingdom, and closely follows the Ordinance (No. 16) passed in The Gambia.[1]

Dangerous Drugs.—Ordinance No. 33 amends the definition of cocoa leaf and ecgonine, and provides for the control of dangerous drugs in transit.

X. EAST AFRICA.

1. KENYA.

[*Contributed by the* HON. W. C. HUGGARD, K.C., LL.D., *Attorney-General.*]

Thirty-four Ordinances were passed during the year 1928, of which the following are the more important:

Kerosene Oil (Repayment of Duty).—Ordinance No. 1 provides for the repayment to persons using imported kerosene oil to supply power for farm tractors employed in agriculture of an amount equivalent to the customs duty paid upon such oil. The Ordinance goes on to provide the procedure under which claims for repayment may be made and the method by which such claims are to be checked.

Births and Deaths Registration.—Ordinance No. 2 repeals and re-enacts in amended form the law in regard to the notification and registration of births and deaths and other matters incidental thereto. Registration of the births of Europeans, Americans or Asiatics is made compulsory, and power is taken to declare the registration of births of all persons in the Colony of any particular race, class or group, or of all or some of the inhabitants of any area, to be compulsory. The registration of the deaths of all persons dying within a township, and also the registration of the deaths of all Europeans, Americans and Asiatics dying elsewhere within the Colony, is made compulsory.

Extradition.—Ordinance No. 9 provides that a magistrate of the first class may exercise the powers under the Extradition Acts of 1870–1873, which are exercised in England by police magistrates and justices of the peace.

Alteration of Time.—Ordinance No. 11 declares the standard time for the Colony and Protectorate to be three hours fast on Greenwich mean time.

Criminal Law.—Ordinance No. 15 makes it an offence punishable with fourteen years' imprisonment and a fine to use force of an indecent nature to a woman under sixteen years of age, notwithstanding that such woman consents to such force.

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[1] See p. 181, *infra.*

Local Government (Municipalities).—Ordinance No. 19 replaces the law relating to municipal government and provides for matters incidental thereto.

Local Government (Rating).—Ordinance No. 20 enables local authorities to prepare a valuation roll and to impose and collect rates.

Local Government (District Councils).—Ordinance No. 21 provides for local government in rural areas and for the establishment of district councils and other matters incidental thereto.

Trout Protection.—Ordinance No. 24 provides for the protection of trout and the regulation of trout fishing in the Colony.

Traffic.—Ordinance No. 26 provides for the control of traffic on roads and for the licensing and taxation of vehicles used thereon.

Public Health (Division of Lands).—Ordinance No. 32 repeals and re-enacts in amended form the law relating to the regulation and control of divisions of land, and rectifies some difficulties which had been experienced. The provisions of the Ordinance are made applicable to the whole Colony outside municipalities or townships instead of being limited, as formerly, to land within certain distances of towns and railway stations.

Harbours Regulations.—Ordinance No. 33 provides for the regulation, control and management of the harbours in the Colony and for matters incidental thereto. By the Kenya and Uganda (Transport) Order in Council, 1925, the harbours of the Colony were placed under the control of the High Commissioner for Transport. It was therefore considered desirable to define the responsibilities and powers of the High Commissioner in this connexion. The Ordinance, which is modelled on the lines of the Kenya and Uganda Railway Ordinance, 1927, replaces the old law relating to the administration and management of ports in the Colony.

Subordinate Courts (Separation and Maintenance).—Ordinance No. 34 confers jurisdiction on certain magistrates in reference to married women. It enables maintenance orders to be made and enforced in the Colony.

Departmental Offences.—Ordinance No. 35 provides for the punishment of departmental offences. The Ordinance is designed to promote the efficiency of the public service by enabling disciplinary fines of limited amounts to be imposed upon subordinate officers of government by such heads of departments and other officers as the Governor may from time to time determine.

Ordinances Nos. 19, 20, 21 and 32 give effect to certain recommendations of the Local Government Commission Report, 1927.

2. NYASALAND.

Ordinances passed—22.

Non-Native Poll Tax.—No. 4 imposes an annual tax of £2 on every non-native, who is defined as a male person other than a native within the meaning of the Native Hut and Poll Tax Ordinance, 1926.

Finger-prints.—No. 5 authorizes the taking of finger-prints of accused or convicted persons, refusal on their part to comply when required so to do by an authorized officer is penalized by a fine not exceeding £10, or imprisonment with or without hard labour for a term not exceeding one month. On the acquittal of an accused person the finger-print form is to be destroyed. The Ordinance establishes a bureau for the purpose of preservation, comparison and indexing of finger-print forms, and lays down that finger-prints when taken by an authorized officer shall be admitted in evidence without proof.

Bankruptcy.—No. 6 consolidates and amends the law relating to bankruptcy, and is modelled on the English Acts with such alterations as are necessary to suit local conditions.

King's African Rifles.—No. 9 provides for the maintenance and control of the King's African Rifles. The Ordinance is divided into seven parts: Part I, constitution and duties; Part II, discipline, dealing with crimes and punishments, offences in respect of military service, mutiny and insubordination, desertion, fraudulent enlistment and absence without leave, disgraceful conduct, offences in relation to (*a*) property, (*b*) false documents and statements, (*c*) courts martial, (*d*) billeting, (*e*) impressment of carriages, etc., (*f*) enlistment, and miscellaneous offences, offences punishable by ordinary law, arrest, powers of commanding officer, of officer commanding a detachment, of officer commanding a company, courts martial, field general courts martial, execution of sentences and supplemental provisions as to discipline; Part III, government; Part IV, enlistment, discharge and service; Part V, general provisions—enforcement of civil contracts, legal penalties in matters respecting regiments, wills and distribution of property; Part VI, application of military law; and Part VIII, repeal.

Natives on Private Estates.—Ordinances Nos. 15 and 16 regulate the position of natives residing on private estates. Only such natives as are (*a*) "resident," (*b*) exempted or (*c*) under special agreement may reside on private estates, and the Ordinance provides for the keeping of records and the furnishing of returns of such natives by the owner of the estate. A district rent board is set up to fix, with the Governor's approval, the maximum annual rent to be paid within specified limits. It defines the privileges to which a resident native is entitled and the manner and method in which he shall pay rent to the owner or work for wages in lieu of or in abatement of rent. No resident native may be removed from an estate unless he has been given notice to quit in a prescribed form six months previous to the expiration of a quinquennial period. He may, however, be summarily ejected if he fails to comply with an order to quit, fails to pay rent within one month of its becoming recoverable or is guilty of misconduct. Contracts may be entered into between owners and natives whereby such native is entitled to reside on the estate together with his wives and families. The Governor is given power to acquire land for native settlements, giving in exchange Crown land of an equivalent total value, and do all things incident thereto, and sets out the procedure to be followed in cases of dispute.

Lunacy.—No. 17 provides for the detention and care of lunatics. The Ordinance is divided into five parts: Part I deals with provisions relating to lunatics who are neither detained during the Governor's pleasure nor criminal lunatics, provisions relating to the latter being dealt with in Part II; Part III provides for the care and administration of a lunatic's property; Part IV deals with offences and penalties; and Part V is general.

Asylums.—No. 18 makes provision for the organization of the asylums staff and the management of asylums.

3. TANGANYIKA.

Ordinances passed—42.

Treaty of Peace (Turkey).—No. 2 gives effect in the Territory to the Agreement contained in Art. 16 of the Convention respecting Conditions of Residence and Business and Jurisdiction connected with the Treaty of Peace with Turkey, signed at Lausanne on July 24, 1923.

Justices of the Peace.—No. 3 makes provision for the appointment of justices of the peace and defines their powers and duties.

Provident Funds.—No. 4 establishes a provident fund for members of the African Civil Service.

Notaries Public.—By No. 5 any advocate of the High Court, and any person entitled to practise as a notary public in England, Scotland or Ireland shall be entitled to perform, *mutatis mutandis*, the functions and duties commonly performed by a notary public and a commissioner for oaths in England, upon his having been granted a certificate to this effect by the Registrar.

Markets.—No. 6 as amended by No. 37 provides for the establishment and management of markets, and in relation to them gives power to the Governor and a township or native authority to make rules and by-laws for specified purposes.

Patents and Designs.—No. 8 assimilates the law on the subject to that of the United Kingdom. S. 25 of the Ordinance provides for the registration in the Territory of all patents granted in the United Kingdom, provided that application is made within one year from the date of issue of the patent, and the rights conferred in the Territory date from the date of the patent in the United Kingdom.

Dangerous Drugs.—No. 9 gives effect to the provisions of the Geneva Convention of 1925, and follows the English Act of 1920.

Wireless Telegraphy.—No. 10 makes provision for the regulation of wireless telegraphy, which may neither be installed nor worked except under and in accordance with a licence from the Governor.

Petroleum.—No. 11 amends the Indian Petroleum Act, 1899, as applied to the Territory, and provides that no quantity of dangerous petroleum equal to or less than 40 gallons shall be kept or transported without a licence. The Ordinance does not apply to a quantity of petroleum not exceeding 4½ gallons which must be kept in a suitable vessel.

King's African Rifles Reserve of Officers.—No. 12 is a model Ordinance common to the group of East African Dependencies. The Governor may from time to time, with the approval of the Secretary of State, prescribe by notice in the *Gazette* the number of officers of which the Reserve may consist, and the appointment of officers is made by the Secretary of State on the recommendation of the Governor. Officers on the reserve are liable to be called up in case of emergency or of active service in any part of East Africa, and may also be called up for training for a period not exceeding one calendar month in each year.

Land Surveyors.—No. 17 provides for the registration and licensing of land surveyors, controls the practice of such surveyors and other purposes incidental thereto.

British and Colonial Probates.—No. 19 provides for the recognition in the Territory of probate and letters of administration granted in the United Kingdom, or in a British Possession or Protectorate, or by a British court in a foreign country.

Auctioneers.—No. 20 provides that no person under a penalty of a fine not exceeding 1,500 shillings shall carry on the business of an auctioneer without a licence, which may be one of two kinds: General or Local, the fees for which are 300 shillings and 160 shillings for a full year respectively. The Ordinance also regulates sales by auction and empowers the Governor in Council to make rules connected herewith.

Diamond Industry Protection.—By No. 21 the unlawful possession of diamonds is liable on conviction to a fine not exceeding 20,000 shillings and/or imprisonment with or without hard labour for a period not exceeding ten years. No person shall pay or satisfy a debt in diamonds, except an authorized diamond miner in payment of a debt due to a licensed diamond dealer. Ss. 5 and 6 impose restrictions on the selling and buying of diamonds; s. 7 prohibits the buying and selling of diamonds on Sunday and between the hours of 6 p.m. and 6 a.m. on any other day; s. 9 prohibits the export of diamonds except under permit and by registered post. The Ordinance then deals with the issue of diamond dealers' licences (s. 10); the keeping of books (s. 11); the payment of royalties (s. 12), and the forfeiture of any diamonds found without an apparent owner (s. 13). Ss. 14–20 deal with offences and their punishment, and s. 22 gives power to the Governor in Council to make regulations.

Newspapers.—No. 22 makes provision for the registration of newspapers and other purposes in connexion therewith.

Coffee Industry.—No. 23 provides for the registration of coffee plantations and dealers in coffee, and generally for the advancement of the production of coffee in the Territory.

Master and Native Servants.—No. 24 amends No. 32 of 1923, and prohibits the recruitment of natives by labour agents unless such agent has a permit issued by the Labour Commissioner; such permit is issued for a limited period and is only valid for the district specified therein. It also prohibits the employment of natives without a medical certificate first being obtained, and any native rejected on medical examination must be returned to the place of recruitment. It also provides for the deduction by an employer from the wages of a servant for certain offences.

Commissions of Inquiry.—No. 27 gives power to the Governor to issue commissions of inquiry into matters of a public nature, etc.

Gambling.—No. 28 was passed for the suppression of common gaming houses and of gambling in public places.

Witchcraft.—No. 33 provides for the punishment of witchcraft which is defined to include "sorcery, enchantment, bewitching, or the purported exercise of any occult power, or the purported possession of any occult knowledge," and of certain acts connected therewith.

Statute Law Revision.—No. 34 provides for a new and revised edition of the laws of the Territory.

Matches.—No. 42 provides for the levy of an excise duty upon matches manufactured in the Territory.

4. UGANDA PROTECTORATE.

[*Contributed by* NEVILLE TURTON, ESQ., M.A. (OXON), *Solicitor-General.*]

Ordinances passed—16.

Civil Procedure.—The most important Ordinance was the Civil Procedure Ordinance (No. 1), which came into force on January 1, 1929. Prior to the passing of this Ordinance there was no local legislative enactment dealing with civil procedure; this matter was regulated, in accordance with Imperial Orders in Council, by the now obsolete Indian Code of Civil Procedure (Act XIV of 1882). The present Ordinance is based on the Indian Code of Civil Procedure, 1908, a comparative table printed at the end of the Ordinance shows to what a small extent the prototype has been departed from. Rules with forms, based on the Indian Rules, were subsequently published with a comparative table referring not only to the Indian Rules but also to the Rules of the English Supreme Court.

Statute Law Revision.—By the Revised Edition of the Laws (Annual Supplements) (Suspension) Ordinance, the issue of the accumulative annual supplement to the 1923 Revised Edition of the Laws has been suspended owing to printing difficulties; the last supplement issued embraces all legislation to the end of 1926 and an annual volume for 1927 has been published, and the volume for 1928 will be published shortly.

Law Officers.—The Law Officers (Amendment) Ordinance (No. 9) permits the holder of the newly created office of Solicitor-General to perform any of the duties and exercise any of the powers of the Attorney-General as far as these provisions are not repugnant to the provisions of any law for the time being. This Ordinance takes the place of Ordinance No. 5 of 1928 with the same short title, as this latter Ordinance was disallowed owing to a typographical error by which the second section of the principal Ordinance was repealed and replaced instead of the third section.

Fugitive Offenders.—Ordinance No. 12 amends the Fugitive Criminals Surrender Ordinance so as to allow the provisions of the latter Ordinance to apply to fugitive criminals from mandated territories.

Arms and Ammunition.—Ordinance No. 14 is an amending and consolidating enactment relating to arms and ammunition and gives effect to the Convention for the Control of the Trade in Arms and Ammunition signed at Saint-Germain-en-Laye on September 10, 1919. S. 12 makes provision for the reciprocal recognition of arms licences in neighbouring territories. This Ordinance has not yet been brought into force.

Water Supply.—Ordinance No. 15 deals with the important subject of water supply. At present only one place has a pipe-borne supply. The Ordinance is based on the corresponding Nigeria Ordinance.

Sleeping Sickness.—The Sleeping Sickness Ordinance (No. 16) repeals the Sleeping Sickness Ordinance and brings the legislation for control of sleeping sickness into conformity with the recommendations of the Third International Conference on Sleeping Sickness held in Paris during 1928. It provides for compulsory examination of suspects, and treatment of cases, anywhere in the Protectorate.

By proclamation, areas where sleeping sickness might occur are defined as sleeping sickness areas: all residents therein must be registered as such to facilitate examination.

Parts of sleeping sickness areas where sleeping sickness actually occurs are proclaimed as infected areas, and provision is made for control of movements to or from such areas by a system of passports in order to prevent spread of infection.

Parts of sleeping sickness areas which are undesirable for occupation as a whole are proclaimed as restricted areas and can only be entered, for a specified time and purpose, by permit.

Provincial commissioners are empowered to issue administrative orders dealing with such matters as protective clearings at watering-places, control of traffic routes by land or water, and prohibition of residence at specified places.

Special sections of the Ordinance deal with registration of vessels, control of fishing and control of wood cutting for commercial purposes in sleeping sickness areas.

The remaining Ordinances deal only with matters of local interest.

5. ZANZIBAR PROTECTORATE.

[*Contributed by* C. B. Francis, Esq., *Attorney-General.*]

Fourteen Decrees were enacted in 1928, of which the following are the most important:

Ground Rent Restriction.—The attention of the Government had lately been directed to the hardship caused to native owners of huts in the town of Zanzibar by the arbitrary increase of ground rents on the part of their landlords. Cases occurred where hut owners had been sued for heavy arrears of increased rents, and in default of payment their huts were, in many cases, eventually sold, usually at a low price. Many of these people were permitted twenty-five or thirty years ago to squat on land then vacant, and to build their huts on sites for which they paid little or no rent. As the native quarter grew these lands changed hands and became valuable estates, the present owners of which were not slow in realizing their potential value, and have lately seized every opportunity of increasing the rents to four and five times the original rates. This action gave rise to much indignation and dissatisfaction among the native tenantry, and the Government considered a strong case had been made out for intervention.

The Decree (No. 6) sets up a rent tribunal, and provides suitable machinery for adjustment of difficulties. It became necessary later in the year to amend and implement the law in the light of experience gained. The amending Decree provides for a moratorium, and at the same time creates a prior charge on hut property in favour of landlords in respect of arrears of rent.

Arbitration.—No. 7 is a Decree in common form modelled on the Arbitration Act (Imperial), 1889.

Moneylenders.—Certain irregularities in connexion with the registration of moneylenders disclosed a weakness in the local law, which entailed substantial amendment, and the opportunity was taken (No. 8) to revise its provisions in the light of the Moneylenders Act, 1927 (Imperial). Local moneylending business does not correspond exactly with English ideas, but the principles of the Imperial Act have been applied as far as circumstances permit. Certain of its more stringent provisions have been deleted or curtailed so as to avoid the imposition of undue restriction which, in the face of local conditions, could not be justified.

Stamp Duty.—Unforeseen complications having arisen in the administration of the Stamp Decree, 1927, it became essential to introduce a new law in more comprehensive form. This new Decree (No. 13) follows very closely the Indian Stamp Act, 1899.

In addition to those described above, two formal Appropriation laws and seven short amending Decrees were enacted.

6. ANGLO-EGYPTIAN SUDAN.

[*Contributed by* THE HON. THE ADVOCATE-GENERAL.]

Ordinances passed—18.

Apart from legislation dealing with the amendment of existing legislation, the most important enactments have been the British Transferred Officials Ordinance, the Civil Justice Ordinance, the Bankruptcy Ordinance, the Wills and Administration Ordinance, the Official Administrator Ordinance, the Prescription and Limitation Ordinance, the Pre-emption Ordinance, the Gash Delta Ordinance and the Police Ordinance.

The Ordinances are as follows:

British Transferred Officials.—Ordinance No. 1 enables certain officials transferred to the Sudan Government to be made eligible for pension or gratuity in respect of their pensionable service under the British Government.

Civil Justice.—The Ordinance has been issued in volume form, together with the Bankruptcy Ordinance, Wills and Administration Ordinance, Official Administrator Ordinance, Prescription and Limitation Ordinance, Pre-emption Ordinance and the Egyptian Judgments Ordinance, and forms a complete collection of the enactments required by the bench and practitioners in the Civil Courts. It forms Volume 111 of the Laws of the Sudan.

The first portion of the new Legal Regulations which take the place of the old Legal Circulars was prepared and issued in July. This first part relates to procedure before the Civil Courts. These regulations have no legislative authority but contain certain instructions which are supplementary to, and explanatory of, legislative enactments with which it is important that officials concerned with the administration of the law should be familiar.

Bankruptcy.—Ordinance No. 7 repeals and re-enacts the Bankruptcy Ordinance, 1916, and in particular provides for composition before adjudication and details a series of bankruptcy offences, with penalties attached. In some cases the Bankruptcy Court itself has jurisdiction and can award sentence up to 6 months' imprisonment and £E. 100 fine, or both. In others, the ordinary Civil Courts have jurisdiction and can award sentences up to 12 months' imprisonment and £E. 100 fine, or both.

Wills and Administration.—Ordinance No. 8 provides for the making of wills and the interpretation thereof, and the devolution of the property and the administration of the estates of deceased persons. It does not apply to the estates of Moslems, which are dealt with in the Mohammedan Law Courts, nor to the estates of pagans, which are dealt with according to local custom.

Official Administrator.—Ordinance No. 9 provides for the appointment of an Official Administrator of the estates of deceased persons. It does not apply to the estates of Moslems or pagans, nor to estates when there is a representative of the deceased willing and suitable to act.

Prescription and Limitation.—Ordinance No. 10 defines the law governing prescription and limits the periods within which suits may be instituted for the enforcement of rights. As regards extinction of rights, the principle adopted has been that of grouping rights of a similar or cognate character into classes and laying down a definite time within which action must be taken to enforce such rights, instead of laying down such a period for each individual right.

Pre-emption.—Ordinance No. 11 amends and consolidates the law relating to the right of pre-emption upon sale of immoveable property.

Gash Delta.—Ordinance No. 17 regulates certain transactions by tenants of government land in the Gash Delta.

Police.—Ordinance No. 18 regulates the organization, discipline, powers and duties of the Sudan Government Police Force.

XI. SOUTH ATLANTIC.

BRITISH GUIANA.

[*Contributed by* the HON. the ATTORNEY-GENERAL.]

There were thirty-six public Ordinances and one private Ordinance passed during the year. The principal of these were:

Sulphuric Acid.—Previous to the passing of Ordinance No. 7 there was no law in existence governing the sale and control of sulphuric acid, which is largely used in the Colony. Sulphuric acid could be purchased at various stores without any restrictions; no information was given or required. It was also the practice to keep it for long periods lying about the various wharves, in many cases in uncorked demijohns and drums. Recently there have been cases of persons being wilfully injured by the throwing of this acid, and the police were unable to trace where the acid was obtained. The Ordinance regulates its importation, storage, removal and sale.

Naturalization (Deprivation).—No. 8 provides for the loss of local naturalization by foreign naturalization in the case of an alien who has been granted a certificate of local naturalization in the Colony and who subsequently obtains naturalization in some foreign state. Provision is also made for the revocation of local naturalization. Ss. 3 and 4 of the Ordinance contain the provisions, with the necessary modifications, of ss. 7 and 7A of the British Nationality and Status of Aliens Act, 1914 (4 & 5 Geo. V, c. 17), as amended in accordance with the British Nationality and Status of Aliens Act, 1918 (8 & 9 Geo. V, c. 38). S. 5 follows s. 13 of the Act of 1914.

Trade Marks.—No. 20 amends the local Trade Marks Ordinance, 1914, so as to bring local legislation into line with the English Trade Marks Act, 1919 (9 & 10 Geo. V, c. 79), and is a reproduction, with the necessary local modifications, of that Act. The Ordinance of 1914 corresponds to the Trade Marks Act, 1905 (5 Ed. VII, c. 15).

General Loan and Inscribed Stock.—No. 23 provides that, when a sinking fund becomes potentially full before the due date for the repayment of the loan, contribution to the sinking fund may be discontinued with the approval of the Secretary of State. Contributions shall be recommenced, however, if the Governor considers it necessary.

War Graves.—The Imperial War Graves Commission, which is charged with the duty of caring for and the erection of permanent memorials on all war graves, asked for the exclusive rights of burial in perpetuity in respect of war graves in this Colony. Ordinance No. 24 accordingly provides for the transfer of the title and the registration thereof in respect of local war graves.

Nurses' Retiring Allowances.—No. 28 provides for the grant of retiring allowances to nurses selected by the Overseas Nursing Association and who have served in the Colony.

Quarantine.—The importance of safeguarding countries from invasion of major epidemic diseases has received particular attention during the last few years in England. Other European countries were consulted so that combined action for the good of all might be taken. As a result of these International Conferences the existing quarantine procedure was found to be capable of simplification and improvement, chiefly as the result of increased knowledge of these diseases and of their means of spread; two additional diseases, viz. typhus and small-pox, are to receive special attention, in addition to cholera, plague and yellow fever, which were the only three diseases specifically dealt with previously. Communications from the Ministry of Health indicated the lines on which modifications of existing Quarantine Laws might best be made. As a result the West Indian Conference, of which British Guiana is a member, was summoned, and the Surgeon-General attended as the delegate of the Colony. Ordinance No. 35 embodies the results of agreement to take concerted action by all the members of the Conference, and consolidates all previous Ordinances; so that all legislation relating to quarantine is now presented in a compact form.

XII. WEST INDIES.

1. BAHAMAS.

[*Contributed by* the Hon. Harcourt Malcolm, O.B.E., K.C., *Speaker.*]

Acts passed—27.

Water Supply and Sewerage.—The Nassau Water and Sewerage Act, c. 1, provides for the instalment of a water supply and water-borne system for the city of Nassau and its suburbs, and repeals the Water Supply Act, 1926.

Statute Law Revision.—The Statute Law Revision Act, c. 2, authorizes the omission of certain Acts from the Revised Edition of the Statute Law of the Colony.

Naturalization.—The Naturalization Amendment Act, c. 3, provides that a naturalized British subject within the Colony shall cease to be such upon obtaining a foreign certificate of naturalization.

Spirits and Beer Manufacture.—The Spirits and Beer Manufacture Amendment Act, c. 6, amends the Spirits and Beer Manufacture Act, 1924, by repealing s. 28 thereof and by extending the time during which whisky is to remain in bond before being exported or sold from two years to three years.

Medical Department.—The Medical Department Act, c. 9, consolidates and amends the law relating to Public Medical Officers.

Lepers.—The Lepers Act, c. 10, provides for the apportionment of a part of New Providence for the erection of a leper asylum and regulates generally the control of lepers.

Industrial Schools.—The Industrial Schools Act, c. 12, authorizes the Governor in Council to declare any particular place to be an industrial school and regulates all matters relating thereto.

Pierage and Wharfage.—The Pierage and Wharfage Amendment Act, c. 13, amends the Pierage and Wharfage Act, 1874, by increasing the rates of pierage imposed by that Act 50 per cent. and exempts the new Government pier from the provisions of both Acts.

Revenue Consolidation.—The Revenue Consolidation Amendment Act, c. 14, amends the Revenue Consolidation Act, 1873, by decreasing the time for entering and landing of goods from fourteen days to five days and the time for payment of duties from one month to fourteen days.

Tariff.—The Tariff Amendment Act, c. 15, amends the Tariff Act, 1919, by an addition to the Third Schedule as follows: "by inserting therein before the word 'Foals' the words 'Flying machines and all parts thereof, and oils imported solely for their use.'"

Oil Storage.—The Kerosene Oil Amendment Act, c. 16, amends the Kerosene Oil Act, 1914, by repealing s. 4 thereof and substituting a new section therefor restricting the quantity of kerosene oil and gasolene allowed to be stored in one place.

Jurors' Exemption.—The Jury Amendment Act, c. 17, amends the Jury Act, 1909, by an addition to the First Schedule exempting the clerk and messenger of the Legislative Council and the clerks and messenger of the House of Assembly during such time as the Legislature is in session.

Motor Cars.—The Motor Car Amendment Act, c. 18, amends the Motor Car Act, 1922, by substituting a new scale of fees for the registration and licensing of motor cars and exempts motor hearses from the payment of any fee.

Public Establishments.—The Public Establishments Act, c. 23, consolidates and amends the law relating to the public establishments of the Colony.

Immigrants.—The Immigrants Act, c. 24, provides for the appointment of Immigration Officers and their various duties in connexion with immigration.

Harbour Dues.—The Harbour Dues Act, c. 25, in consequence of the erection of the New Government Pier, regulates the levying of harbour dues and certain wharfage, pierage and other rates and charges.

2. BARBADOS.

[*Contributed by* E. A. COLLYMORE, ESQ., *Attorney-General.*]

Forty-one Acts were passed and assented to in 1928. Of those which are not wholly of local interest the following are the most important:

Widows and Orphans Pensions.—No. 7 makes provision for the widows and children of deceased public officers.

Loan.—No. 28 authorizes the raising of a loan of £225,000 to cover the cost of certain works and improvements of a permanent nature.

Cotton.—No. 31 aims at the eradication of diseases of cotton by consolidating and amending the law which provides for the destruction of old plants and by establishing a close season.

Health.—No. 39 amends the law relating to poor relief and public health and creates the posts of Chief Medical Officer and Sanitation Officer.

3. JAMAICA.

Laws passed—29.

Co-operative Marketing.—No. 5 provides protection to the Jamaica Co-operative Marketing Association which includes the Jamaica Banana Producers' Association, Ltd., and also any societies registered under the Industrial and Provident Societies Law, 1902, and any company incorporated under the Companies Law having as its principal object the co-operative marketing of any commodity grown or manufactured in the Island.

Nationality.—The loss of British Nationality and Status Law, No. 9, provides for the loss of local naturalization as a British subject in the case of an alien obtaining a foreign certificate of naturalization.

Dangerous Drugs.—No. 11 amends Law 40 of 1925 and provides for the control of opium, morphine, heroin or similar drugs in transit to other countries, and prescribes the conditions which must be complied with relative to dealings in such drugs.

4. WINDWARD ISLANDS.

(i) GRENADA.

[*Contributed by* J. H. JARRETT, ESQ., *Attorney-General.*]

During the year 1928 twenty-six Ordinances were enacted, of which the most important were the following:

Oil in Navigable Waters.—Ordinance No. 2 is a close adaptation of the Imperial Oil in Navigable Waters Act of 1922. Its object is to prohibit the discharge or escape of oil into the territorial waters of the Colony.

Aerial Navigation.—Ordinance No. 17 repeals the Aerial Navigation Ordinance, 1914. Full power to regulate aerial navigation in the Colony being conferred by certain Royal Orders in Council, it is unnecessary to retain the more limited powers conferred by Ordinance under repeal.

Quarantine.—Ordinance No. 20 gives effect to certain recommendations of the Central Quarantine Authority for the West Indies for the amendment of the Quarantine Convention and Regulations.

Lepers.—Ordinance No. 22 provides for the segregation of sufferers from that disease. The Governor may establish asylums and appoint officers for the control and management thereof. The Ordinance follows generally the existing law on the subject in Trinidad.

United Kingdom Designs (Protection).—Ordinance No. 24 affords protection, which hitherto did not exist, in the case of all designs registered in the United Kingdom.

(ii) SAINT LUCIA.

[*Contributed by* the HON. J. E. M. SALMON, *Attorney-General.*]

Ordinances passed—20.

Courts.—The First District Court (Records Destruction) Ordinance, No. 3, prescribes the procedure to be adopted to obtain new judgments and orders in lieu of those destroyed by fire of May 14-15, 1927, in Castries.

Emigration.—The Emigrants Protection Ordinance, No. 16, regulates immigration to and recruitment of labourers for such countries as may under the provisions of the Ordinance be declared to be notified places. It provides for the contracts to be entered into by the labourers and for their protection in the notified country, where they will be in touch with the British Consul, who is to be furnished with a copy of the contracts and the names of the recruited labourers. It also provides for their repatriation at the expense of the employer, also for medical inspection before departure and on return. Money deposits or bank guarantees are to be made or given by the employers for the performance of the contract and for repatriation. This Ordinance supersedes previous legislation on the subject.

Fire Brigade.—The Fire Brigade Ordinance, No. 8, establishes a fire brigade for Castries, in which several blocks of buildings were destroyed by fire in May 1927. The brigade is to be under the charge of the Chief of Police. The provisions of the Ordinance may be extended to other towns and villages.

Liquor Shops.—The Liquor Licence Amendment Ordinance, No. 19, amends No. 16 of 1921 as to closing hours generally and on Sundays and other public holidays.

Public Loans.—General Loan and Inscribed Stock Amendment Ordinance, No. 4, amends No. 11 of 1922. It provides for the cesser of sinking fund contributions, if the circumstances warrant such a course.

Public Officers and Pensions.—The Governors' Statutory Duties Relief Ordinance, No. 13, relieves the Governor of certain duties as to marriage licences, bee imports, police, customs warehouses and firearms, prescribed by the Ordinances therein referred to.

The Medical Officers Amendment Ordinance, No. 1, amends No. 71, 1916 Revision, as to the duties to be performed by government medical officers.

The Nurses Retiring Allowance Amendment Ordinance, No. 18, amends No. 9 of 1927 by making it clear that the pensionable service is to be service in the public service only.

The Official Oaths Amendment Ordinance, No. 10, amends the form of oath of an Executive Councillor.

The Police Pensions Amendment Ordinance, No. 12, amends No. 78, 1916 Revision. It prescribes new provisions as to gratuities to constables.

Repatriation.—No. 14 gives effect to reciprocity provisions for intercolonial repatriation of destitute natives of certain colonies. This Ordinance has been since repealed by No. 2 of 1930, and the Legislature has passed a resolution giving effect to the reciprocity arrangement.

Revenue.—The Customs Amendment Ordinance, No. 2, amends No. 109, 1916 Revision, by increasing the annual licence fee for a coasting vessel.

The Stamp Duty Amendment Ordinance, No. 5, amends the schedule to No. 123 of the 1916 Revision by increasing the duty on bills and notes, official and notarial copies or extracts, and fixes the duty for voluntary dispositions *inter vivos* and for Letters Patent of the United Kingdom.

The Customs Duties Amendment Ordinance, No. 6, replaces the Schedules of (1) Customs Duties and (2) Exemption from Customs Duties prescribed by No. 11 of 1921. No. 9 amends this Ordinance by substituting 25 per cent. for 17½ per cent. as the additional duty to be charged in certain cases.

The Insurance Licence Ordinance, No. 17, requires a £5 licence for doing insurance business in the Colony to be taken out annually.

Shipping.—The Intercolonial Passenger Ships Amendment Ordinance, No. 20, amends No. 39 of 1916 Revision, No. 8 of 1918 and No. 3 of 1927. It regulates the number of persons to be conveyed by such ships as one adult per ton of registered tonnage. By No. 2 of 1929 " gross tonnage " has been substituted for " registered tonnage."

(iii) ST. VINCENT.

[*Contributed by* W. S. Howard-Flanders, Esq., *Attorney-General.*]

Ordinances passed—9.

Local Naturalization (Revocation of Certificates).—Ordinance No. 1 provides for the revocation by the Governor under certain circumstances of certificates of local naturalization granted by the Government of St. Vincent.

The Governor may in his discretion, before making a revocation order, refer the case for inquiry before the Chief Justice, from whose decision there is no appeal.

General Loan and Inscribed Stock.—Ordinance No. 2 is an amendment to the General Loan and Inscribed Stock Ordinance (C. 59 Rev. Edn. 1926). It empowers the Governor, with the approval of the Secretary of State, to suspend further contributions to the sinking fund of any loan issued under the General Loan and Inscribed Stock Ordinance, if at any time the trustees of the sinking fund are satisfied that the value of the fund will be sufficient, with further accumulations of interest but without further contributions, to enable the loan to be duly redeemed out of the proceeds of the sinking fund.

Bankruptcy.—Ordinance No. 6 repeals the Bankruptcy Ordinance (C. 30 Rev. Edn. 1926). It provides that the Supreme Court shall exercise jurisdiction in bankruptcy in conformity with the substance of the law for the time being in force in England, so far as circumstances permit. The Deeds of Arrangement Acts, 1914 (4 & 5 Geo. V, c. 47) and any Acts amending the same are deemed, for the purposes of this Ordinance, to form part of the law of bankruptcy.

In the absence of any rules under s. 3 of this Ordinance, the Bankruptcy Rules, 1915, and all subsequent Rules made prior to January 1, 1927, and the Deeds of Arrangement Rules, 1925, are, so far as circumstances permit, deemed to be Rules made under this Ordinance.

5. TRINIDAD AND TOBAGO.

[*Contributed by* L. H. Whitehead, Esq.]

Thirty-five Ordinances were passed during 1928, of which the following are of interest :

Expulsion of Undesirables.—Ordinance No. 1 provides for the deportation of persons who have been sentenced to imprisonment in the Colony or elsewhere and who are not British subjects domiciled in the Colony or resident therein for two years prior to the making of the deportation order.

Seats for Shop Assistants.—Ordinance No. 2 requires that seats shall be provided for female shop assistants in the proportion of not less than one seat to every three assistants.

Schools (Medical Examination).—Ordinance No. 6 provides for the medical inspection of elementary, intermediate and secondary schools and the pupils attending such schools.

Criminal Justice.—Ordinance No. 7, s. 25, follows s. 47 of the Criminal Justice Act, 1925 of the Imperial Parliament, which abolishes the presumption of coercion of a married woman by her husband.

Wild Birds and Animals Protection. Ordinance No. 9, s. 4, enables the Governor to proclaim areas of Crown land to be game reserves, in which it is an offence to kill or capture animals.

Infanticide.—Ordinance No. 12 enacts the English law (12 & 13 Geo. V, c. 18) which relates to cases where a mother is charged with homicide of her newly-born child at a time when in consequence of childbirth the balance of her mind is disturbed.

Trustees.—Ordinance No. 17 provides that a trustee may invest trust funds in securities payable to bearer, provided such securities are deposited with a banker.

Dangerous Drugs.—Ordinance No. 28 amends the law relating to opium, cocaine, ganja and other drugs to give effect to the Geneva Convention of 1925.

Workmen's Compensation (Transfer of Funds.)—Ordinance No. 34 provides for the making of regulations dealing with the transfer for the benefit of persons residing abroad of compensation awarded in the Colony, and for the receipt and administration for the benefit of persons residing in the Colony of compensation awarded abroad.

XIII. MEDITERRANEAN.

1. GIBRALTAR.

Ordinances passed—10.

Dangerous Drugs.—Ordinance No. 1 gives effect to the recommendations of the International Opium Convention signed at Geneva in 1925, and controls the importation, exportation, manufacture, sale and use of opium and other dangerous drugs. It repeals the Opium Ordinance of 1913.

Juries.—By Ordinance No. 3 City Councillors are exempted from service upon any jury or inquest.

Civil Prisons.—Ordinance No. 5 authorizes the appointment by the Governor of a superintendent of the civil prison and defines his powers and duties.

Civil Police.—Ordinance No. 6 makes provision for the taking of finger-prints, etc., of any person accused of an offence which is a felony or involves fraud or dishonesty, such finger-prints, etc., to be destroyed when no conviction follows the prosecution. It also provides that on objection being made by the accused person to the taking of fingerprints, such shall not be taken unless and until an order of a justice of the peace has been obtained.

United Kingdom Designs (Protection).—Ordinance No. 7 provides for the protection in Gibraltar of designs registered in the United Kingdom.

Nurses' Pensions.—Ordinance No. 9 provides for the grant of a pension at the rate of 5*s*. for each month of service to matrons, sisters and staff nurses who have served not less than 3 years under the Government of Gibraltar and not less than 15 years in the public service or in a public hospital to which she was appointed through the Overseas Nursing Association.

Aliens.—By Ordinance No. 10 a native-born woman who has become an alien by marriage may reside temporarily with a parent, brother or sister for a period not exceeding 90 days in any one year. It also provides that the Alien Order in Council, 1885, shall cease to apply to any person, being the child born elsewhere of a native of Gibraltar, and who may be or may become a British subject.

2. CYPRUS.

[*Contributed by* H. H. TRUSTED, ESQ., K.C., *Attorney-General.*]

Laws passed—39.

The following are the principal enactments:

Post Office.—No. 11 amends the Post Office Law, 1881, by making provision to give effect to the obligations created by the Universal Postal Convention, Stockholm, dated August 28, 1924, by which the contracting countries undertook to take the necessary measures for punishing the counterfeiting and fraudulent use of international reply coupons, stamps, impressions and postal identity cards.

Public Health.—No. 12 empowers the Governor in Council to declare such villages and other areas frequented by visitors to be summer resorts, and thereupon to control and promote public health therein by the establishment of public health boards composed of persons possessing the necessary technical qualifications and representatives of local interests.

Provisional Powers.—No. 14 empowers the Governor in Council during the period of nine years from the date of determination of the war to make orders: (1) to regulate, permit or prohibit the exportation and importation of animals and things; (2) to regulate dealing with coinage and currency notes and provide for the issue of currency notes; (3) to provide for the custody by a public custodian of property belonging to any person who either during or at the date of the conclusion of the present war was an enemy or the subject of an enemy state.

Employment of Young Persons.—No. 17 makes provision for the protection of children and young persons in industrial works. It provides that (1) no child under the age of 12 years shall be employed in any industrial undertaking, other than one in which only members of the family of the proprietor or owner are employed; (2) no young person between the ages of 12 and 14 shall be employed for more than four hours in each day; and (3) no young person between the ages of 14 and 16 years shall be employed for more than six hours in each day. It provides penalties for contravention of the law. No. 35 makes provision for the imposition of penalties on those persons who act in contravention or fail to comply with any rule made under No. 17.

Female Domestic Servants.—No. 18 makes provisions for the registration of young girls under the age of 18 years in domestic employment, and, on the termination of such employment, to enable the police to take charge of them with a view to minimizing the risks run by them of drifting into an immoral life.

Partnership.—No. 19 is one of a series of laws the object of which is to bring the commercial laws of the Colony into line with modern requirements. It is based on the law prevailing in England and in other parts of the British Empire. It repeals the Ottoman Commercial Code relating to partnership.

Bills of Exchange.—The object of No. 20 is to replace the provisions of c. 6 of the Ottoman Commercial Code dealing with the subject as being unsuited to modern requirements, and to meet the needs of the commercial community by the introduction into the Colony of the law prevailing in England and other parts of the Empire. The law follows the Imperial Bills of Exchange Act, 1882, and the Imperial Bills of Exchange (Crossed Cheques) Act, 1906.

Bank Holidays.—No. 21 provides for appointment and declaration of certain days of the year to be bank holidays and for the presentation for payment or protest of negotiable instruments falling due on such days on the business day next following.

Nursing Sisters.—No. 23 makes provision for retiring allowances, on ultimate retirement, to nursing sisters or matrons who have served for not less than 3 years in the service of Cyprus Government and not less than 15 years in all in the public service, and who have attained the age of 50 years, the rate of such retiring allowance being eight shillings and three copper piastres per annum for each month of service in this Colony. It reduces the total minimum service in the case of retirement on account of ill-health to 10 years.

Customs and Excise.—No. 25 makes provision for controlling the exportation of Cyprus wines to Great Britain, Ireland and the British Colonies so as to ensure a quality of wine equal to the standard required for sale and competition in British markets.

Waterworks.—No. 26 vests all waste water, whether running or standing, and all underground water (including second water) in Government. It empowers the Government to take, store or divert water, to construct waterworks, acquire land and remove obstructions. It makes provision for the issue of permits by the Commissioners to the public for the taking or utilizing of water running to waste and underground water. It further makes provision for the requisition of labour in cases of emergency. It saves the interests of persons who have already sunk wells or taken measures for bringing underground water to the surface. Penalties are provided.

Spirits.—No. 28 abolishes the taking of excise duty on spirits manufactured in the Colony and licence duties on still.

Advocates.—No. 30 amends the Advocates Law, 1894, by disqualifying a person, who has been admitted to practise before the courts of certain countries without obtaining a legal diploma, otherwise than by correspondence, from a university or law school in the country in question, to be enrolled as an advocate in the Colony.

Designs.—No. 33 makes provision for the registration in Cyprus of designs registered in the United Kingdom.

3. MALTA.

[*Contributed by* C. J. Colombos, Esq., LL.D.]

Acts passed—12; Ordinances passed—3.

Trade Marks.—Act No. 2 transfers the determination of all matters (other than criminal) relating to patents, designs and trade marks from the civil to the commercial court.

Safeguarding of Revenue.—By Act No. 5, the Collector of Customs is empowered, whenever a notice is given by a Minister of the introduction into Parliament of a Bill imposing new duties or increasing the existing ones, to levy and collect such duties. The moneys so collected are to be held in deposit pending the passage of the Bill through Parliament to be eventually credited to revenue if the Bill becomes law or else returned to the taxpayer if the Bill is either rejected or fails to pass within four months from its introduction into the Lower House. The Act further provides for the payment of interest on all deposits exceeding £100—in the case of their return to the taxpayer.

Dangerous Drugs.—Ordinance No. 1 confers the right upon the collector of customs to require the master of any ship, or the person in charge of a civil aircraft, in transit through the ports or territorial waters of Malta, to declare in writing that no drugs, other than medical stores, are being carried thereon. If any ground exists for the suspicion that the ship or aircraft is transporting such drugs, the collector is authorized to reject the master's declaration and to proceed to the visit and search of the ship or aircraft.

Passports.—Ordinance No. 3 repeals and re-enacts with substantial amendments the law relating to passports.

XIV. MANDATED TERRITORIES.

1. PALESTINE.

[*Contributed by* Norman Bentwich, Esq., O.B.E., M.C., *Attorney-General.*]

Ordinances passed—29.

Courts.—The Municipal Courts Ordinance (No. 18) replaces an earlier enactment of 1921 and provides for the constitution of municipal courts which may be composed of honorary magistrates, or of a stipendiary magistrate who may sit alone or with one or more honorary magistrates. The court has jurisdiction over minor criminal offences and offences against municipal regulations and by-laws committed within the municipal area, and may pass a sentence up to 15 days' imprisonment or a fine up to £P.5. An appeal lies to the district court on the same terms as an appeal from the magistrate's court.

The Arbitration Amendment Ordinance (No. 14) gives jurisdiction to the magistrate's court to make an order for the enforcement or setting aside of an award where the value of the claim does not exceed £P.100.

The Probation of Offenders Ordinance (No. 13) gives power to a criminal court to postpone the sentence in a case where the court is of opinion that, having regard to the character, age, health or mental condition of a person convicted, or the trivial nature of the offence, or any extenuating circumstances, the offender should be released on probation. A person so released may be placed under the supervision of a superior police officer or any other person named in the order of the court.

Civil Procedure.—The Evidence Ordinance (No. 17) gives the court power to make an order for the taking of evidence on commission abroad, and also to admit evidence taken abroad on account of criminal proceedings pending in Palestine.

The Assignment of Debts Ordinance (No. 20) amends the Ottoman law with regard to the assignment of debts by allowing a creditor to assign his claim on giving written notice to the debtor. But the right is restricted to debts arising in the course of trade or business, or owing to a company or co-operative society.

Taxation.—The Urban Property Tax Ordinance (No. 23) provides for the introduction of a tax on buildings and undeveloped land in an urban area which is based on the net annual value of the property, and replaces the Ottoman House and Land Tax which was based on the capital value. The tax is payable by the reputed owner, but if the property is rented and the reputed owner fails to pay it may be recovered from the tenant. Provision is made for the assessment of all property within an urban area by assessment committees and revision committees and for appeals from the assessment.

The Commutation of Tithes Amendment Ordinance (No. 27) makes certain modifications in the legislation of the previous year so as to secure a fairer distribution of the aggregate amount of tithe amongst the owners of cultivable land and fruit trees. Further, it gives the District Commissioner power to carry out the assessment and apportionment of the commuted tithe in default of action by the village committee.

Land Settlement.—The most important legislative measure of the year was the Land Settlement Ordinance (No. 9), which defines the procedure for settling titles to land and the registration of titles. It is the necessary prelude to the introduction of a system of registration modelled on the Torrens system. Settlement officers are to be appointed who exercise judicial powers with regard to land settlement but whose decisions are subject to appeal to a land court. Provision is made for carrying out the partition of land held in undivided ownership, which is the position with a considerable portion of the agricultural land of the country. Where not less than two-thirds of the owners of the land desire partition of an area the settlement officer may carry out partition among all the shareholders. The schedule of rights drawn up by the settlement officers is recorded in new land registers which form a kind of Domesday Book; and all rights subsequently acquired in land so registered will be valid only on registration.

The Medical Profession.—The Medical Practitioners Ordinance (No. 4) prescribes the conditions of the licensing of doctors and regulates the conduct of the medical profession.

The Public Health (Pharmacy) Ordinance (No. 25) provides for the examination and registration of a class of assistant pharmacists and defines their powers with regard to the dispensing of drugs.

The Dangerous Drugs Amendment Ordinance (No. 6) modifies the law on the subject in accordance with the more recent International Convention.

Agriculture.—The Bee Diseases Ordinance (No. 26) makes provision for the protection of bees from the disease of foul brood, for the appointment of inspectors who may enter any apiary and destroy any infected bees, and for prohibiting the import of bees save under certificate.

Weights and Measures.—The Weights and Measures Ordinance (No. 2) provides for the introduction of a system of metric weights and measures in place of the peculiar, confused and uncertain Ottoman weights and measures. The metric system is to be applied in the first place in transactions of any department of the government or any local authority; but may at any time within five years be made compulsory throughout the country.

Fencing of Machinery.—The Fencing of Machinery Ordinance (No. 3) supplements the measures of industrial legislation enacted in 1927 by providing for the fencing of dangerous machinery and the appointment of inspectors who may enter any factory.

Orthodox Patriarchate.—The Orthodox Patriarchate Ordinance (No. 21) replaces an Ordinance of 1922 and establishes a fresh Commission on the Finances of the Orthodox Patriarchate in Jerusalem. It has more restricted powers than those enjoyed by the old commission and is charged particularly with the redemption of the debts of the Patriarchate, which have now been funded.

The rest of the legislation of the year consists of minor amending enactments of previous Ordinances.

2. ‘IRAQ.

[*Contributed by* H. I. Lloyd, Esq., O.B.E., M.C., M.A., *President of Court of First Instance, Baghdad.*]

During 1928, 29 laws were passed, 55 ordinances were decreed and 21 regulations issued.

The Diwan Khass was convened on two occasions during 1928. The first "to elucidate the ambiguity of Arts. 16 and 48 of the Electoral Law for the Chamber of Deputies," and the second to interpret Art. 56 of the Provincial Administration Law of 1927.

International Conventions.—During 1928 legislation was enacted to secure ‘Iraq's adhesion to the following International Agreements: (1) For the establishment of an International Office in Paris for combating contagious diseases of animals (signed at Paris, January 24, 1924); (2) Respecting the facilities to be given to merchant seamen for the treatment of venereal diseases (signed at Brussels, December 1, 1924); (3) For the suppression of traffic in obscene publications (signed at Geneva, September 12, 1923); (4) International Postal Agreement (signed at St. Petersburg, July 12–22, 1875); (5) Slavery Convention (signed at Geneva, September 25, 1926); (6) Protocol on Arbitration Clauses (signed at Geneva, September 24, 1923); (7) International Regime of Maritime Posts and protocol of signatures (signed at Geneva, December 9, 1923).

Execution of Foreign Judgments.—Law No. 30 enacts that the judgments of foreign courts shall be executed in ‘Iraq provided that an application is made to a Court of First Instance in ‘Iraq and that a properly authenticated copy of the foreign judgment and the reasons therefor is produced. The ‘Iraq Court must decide that the judgment debtor had sufficient notice of the action in the foreign court; that the foreign court was competent; that the judgment is for a debt or definite sum of money and if given in a penal action is by way of civil compensation only; that the cause of action would not be considered under ‘Iraq law as contrary to public policy and that the judgment is executory in the foreign country.

The competence of the foreign court requires one of the following conditions to be fulfilled: That the action related to property moveable or immoveable in the foreign country; that the cause of action arose from a contract entered into in or intended to be executed in the foreign country, or from acts done in the foreign country; that the judgment debtor is ordinarily resident in the foreign country or carried on commercial business in that country or voluntarily appeared in the action or agreed to submit to the jurisdiction of the foreign court. If the judgment debtor proves that he has a right of recourse to a higher court, the ‘Iraq Court shall dismiss the case until completion of proceedings, provisional seizure being made in cases of necessity provided the judgment creditor gives security. Half the fees prescribed for civil suits shall be payable in respect of actions constituted under this law. By Regulation this law shall be made to apply to the judgments of courts of those foreign countries where the judgments of ‘Iraq courts may be similarly executed.

By Regulation No. 26 of 1928 judgments of courts of the United Kingdom were recognized for the purpose of execution under this law.

Opium.—By Excise Notification Opium No. 5, *bona fide* adult travellers in possession of raw opium for personal consumption must declare it and will be allowed to import not more than 5 mithqals per head. Any amount in excess of 5 mithqals shall be confiscated. No re-export is allowed to the country of origin.

Passports.—Regulation No. 8 allows passports and travel permits to be endorsed as valid for one year for all journeys to and from Persian territory in the immediate vicinity of the ‘Iraq Persian frontier within the Khanaqin Qadha.

Land Revenue.—In 1927 Law No. 18, for the assessment of government demands on land, authorized the Government to estimate the tithe by methods other than the traditional eye estimation of the crop each year. During 1928 a series of very important regulations were issued under the authority delegated to the Council of Ministers and the Ministry of Finance by the 1927 law.

Regulation No. 4 provides for the collection of the government share on vegetables at the markets where they were sold at a uniform rate of 10 per cent. of the gross value. This means that vegetables consumed by the cultivator are not taxed. On unalienated state land a market gardener also escapes the “rent” share of the Government.

Regulation No. 5 provides for the assessment of the government share of agricultural produce by the imposition of a fixed demand (*maqtu*) per unit of area. The issue of this regulation has been made possible by the completion of the survey of certain areas. The regulations only apply to such areas as have been properly surveyed, and in these areas all land is classified as either (*a*) orchard, (*b*) cereal growing, (*c*) possible corn lands, (*d*) lands incapable of development. Classes (*a*) and (*b*) can be further subdivided if it is found that in a single administrative unit considerable differences in the value of the produce per unit of area exists in different lands. Classes (*c*) and (*d*) are exempt from taxation and the area of such land is reduced from the holding of each revenue payer liable to taxation. The basis of the fixed demand shall be the equivalent of the government share of all agricultural produce in a year. It shall be fixed for each administrative area by the Minister of Finance after consulting the Provincial Council, Agricultural and Revenue officials. The regulations set up classification committees and appeal committees. For areas where the survey is incomplete but it is felt some effort should be made to break away from the annual inquisition of crop estimators, two other regulations have been issued. No. 6 allows the Government to make a fixed demand for three or more years based on the government share realized from each cultivation during the past three or five years. This method is normally intended to be adopted only at the request of a number of revenue payers of an area. Regulation No. 7 authorizes the Minister of Finance to substitute for the method of assessment by eye in any area a fixed demand based on the number of ploughs and the class of plough animal, etc. This fixed demand only applies to the government share on winter crops. The classification of ploughs shall be according to the assessed value in cash of the total out-turn of the winter crops. Similar provisions for classification and appeal committees are contained in all these regulations.

Regulations Nos. 6 and 7 are intended to accustom the cultivator to a fixed demand not based on an annual eye estimation of the value of his crop so that as the survey is completed the method of assessment per unit of area will be accepted without friction.

Salt Monopoly Law.—Law No. 45 lays down that the monopoly of the manufacture and sale of salt throughout the whole territory of ‘Iraq belongs to the state. Salt is defined as “the substance of that name whether separated from brine or earth or any other liquid or substance” and includes “natural salt.” “Manufacture” includes any process by which salt is separated from brine or earth, etc., and also every process for the purification or refinement of salt.

An excise duty, the rate of which will be fixed by law from time to time, shall be leviable on salt produced in ‘Iraq. No salt shall be manufactured and no natural salt or salt earth shall be excavated, collected or removed except with the permission of the excise authorities. Salt shall not be imported, stored or sold without an excise permit.

The penalties include confiscation, payment of excise due and a fine not exceeding 2 annas for every kilo of salt in respect of which an offence has been committed. The penalties can be imposed by the excise officials, and no appeal lies to the courts. The excise officials are allowed, without a magistrate’s warrant, to search any building other than a dwelling-house, any person, ship, vehicle suspected of carrying or possessing salt (Art. 28). No claim for damages shall lie against the excise authorities for any act or order made in good faith by them in pursuance of any duty imposed by this law (Art. 35). In any judicial or administrative proceedings in connexion with an offence against this law a report signed by an official of the Customs and Excise Department shall, in the absence of proof to the contrary, be deemed sufficient evidence of the facts stated therein and the burden of proof shall lie on any person seeking to disprove the truth of such statements (Art. 34).

State Lands.—Law No. 11 authorizes a free grant of not exceeding 22,000 donums jadid [13,750 acres] to H.M. ex-King Ali ibn Al Hussein of the Hijaz.

Regulation No. 13 reduces by 20 per cent. the demands for the government share of all crops maturing in the Nahiya of Panjwin during 1928. This reduction is ordered in view of the special administrative conditions prevailing in this Nahiya situated upon the Persian frontier.

Excise Duty.—Law No. 28 increases the excise duty on tobacco by 1 anna per kilogram and decreases the duty on motor spirit produced in 'Iraq from 5 annas to 4 annas per imperial gallon.

Encouragement of Cotton.—Regulation No. 11 reduces the government share on cotton grown from seed approved by competent authority.

Finance Inspectorate.—Law No. 43 creates a Finance Inspectorate empowered to inspect financial matters in all government departments and the offices attached thereto, and to suspend officials on discovery of a shortage of cash or stores or embezzlement or fraud or a refusal of an official to allow access to storesheds, to answer queries or to produce registers, accounts, etc.

Bridge and Ferry Tolls.—Ordinance No. 17 lays down the rates of tolls of all bridges and ferries constructed by Government and not transferred to municipalities.

Land Registration.—Law No. 36 limits the period for registration of unregistered sales and mortgages of land to two years from the date of this law in districts where a Land Registration Office exists and in districts where no such office exists to two years from the date when such an office shall be opened.

Criminal Law.—By Ordinance No. 13 any school student under 18 who takes part in any illegal assembly or disturbs the public peace may be flogged. (This was issued following a wave of demonstrations by students which led to disorders, notably in the case of the visit of Sir Alfred Mond.)

By Ordinances Nos. 14 and 15, if it is proved to the Minister of Interior that a person has instigated or is instigating the commission of an offence against the internal safety of the State, the Council of Ministers can order such a person to be placed under police supervision for two years.

The above ordinances were issued in February and cancelled in May, 1928.

Arms.—By Regulation No. 20 issued under the Sea Customs Law the importation is prohibited of knives known as *umm-al-yay* and of all clasp knives with blades more than three inches long.

Town Planning.—Law No. 35 enlarges the boundaries of the City of Baghdad by including within it certain state lands measuring 250 donums granted free to the municipality for the purpose of erecting a new quarter thereon. The land is to be sold to private individuals who agree to build houses of a design approved by the municipality. The sale price is not to exceed Rs. 2 per square metre.

Military Requisition of Means of Transport.—Law No. 2 empowers military commanders after the issue of a Royal Irada declaring that troops are moving on a national emergency to commandeer necessary motor-cars, transport animals, carts, motor-boats, river craft, etc. The requisition has to be carried out by the police under the instructions of the civil authorities. Rates to be paid will be fixed by the Provincial Administrative Council, from whose decisions an appeal will lie to a special board nominated by the Ministers of Interior and Finance. Refusal or neglect to comply with an order made under this law entails a penalty of six months' imprisonment or a fine not exceeding Rs. 500.

Desert Force.—By Ordinance No. 19 the Ministry of Defence was authorized to raise a company of armoured cars and a camel corps and the Ministry of Interior was authorized to subsidize sheikhs in order to meet the emergency threatened by Akhwan raids on the southern and western desert areas.

Period of Service.—Law No. 41 prescribes the period of service of officers, technical personnel, mechanics and artisans in the 'Iraq Army. No officer will be permitted to resign before the expiration of ten years from the date of his attaining the rank of second lieutenant unless the Ministry of Defence considers the acceptance of such resignation is in the interests of the Army.

The periods of service of doctors, veterinary surgeons and pharmacists shall be governed by special agreements. Technical personnel, mechanics and artisans shall serve a period of training not exceeding three years and a further period of five years to commence from the termination of the training period.

Garnisheeing Soldiers' Pay.—Law No. 47 amends the 'Iraq Army Legal Process Law No. 42 of 1922. It permits one-quarter of the pay of a soldier to be attached on a judgment by a Shara' Court, without exception; of a Civil Court if the debt is adjudged due to the Public Treasury, the Ministry of Awqaf or the Court of Wards; and against a personal debt proved by a judgment decree or official deed showing that the debt was incurred before the publication of the 'Iraq Army Legal Process Law of 1922.

Trade.—The Anglo-Persian Oil Company have a field on both sides of the borders of 'Iraq and Persia. The main wells are in territory known as the "Transferred Territory." By Law No. 50, the transit duty payable under the Transit Trade Law of 1924 shall not be levied in respect of all articles conveyed through 'Iraq into or from the Naft-Khana Oil Field by or on behalf of the A.P.O.C., provided that no such articles are removed from the said field to any place outside 'Iraq without payment of the normal transit dues. The A.P.O.C. must undertake to reimburse the 'Iraq Government any expenses incurred by the Customs Department to ensure this.

Trade Marks.—The Government announced, in June 1928, that the Ministry of Finance was prepared to accept applications for the registration of trade marks and would issue certificates under the Turkish Law of Trade Marks, 1888. The registration fee for each trade mark is fixed at Rs. 45. No trade mark is to consist of the national arms of 'Iraq or of a foreign country or contain words relating to religion or royalty. The text of the Turkish law was simultaneously published in Arabic and English.

Customs.—Regulation No. 12 prohibits the entry into 'Iraq of shaving brushes manufactured in Japan.

Laws Nos. 27 and 52 allow the free entry into 'Iraq of most materials imported for buildings, bunds or engineering purposes. Machinery is also exempted from customs duty, important exceptions being motor-cars, tractor engines, trams, sewing machines, knife and saw sharpeners, machines for brewing and distilling, typewriters, wireless instruments, aeroplanes and aeroplane engines, musical instruments.

Patents.—The Ministry of Finance in August 1928 announced that it would accept and grant applications for patents under the Turkish Law of Patents, 1880. Applications can only be made in Baghdad, and for the yearly fees of £T.2 laid down in the law, Rs. 28-8 is substituted. The Ministry at the same time published the text of the Turkish law in Arabic and English.

Latifiyah Estates Concession.—Law No. 49 approves of an agreement made between the Government of 'Iraq, Eastern Irrigation Limited and the Diala Cotton Plantations Company. The law also makes provision for the compulsory acquisition by Government of a charge on the Latifiyah land known as *uqr* in order to be able to grant to the Latifiyah Estates Company the lands known as Latifiyah, free of all private rights and dues.

The agreement between the company and the Government provides for the cancellation of the Asfar concession granted in 1924 and the surrender by the concessionaires of all rights and interests against the 'Iraq Government in return for the grant of the Latifiyah estate of 100,323 donums [donum is equivalent to $\frac{5}{8}$ acre], in return for £15,016 3*s*., i.e. Rs.2 per donum.

The Government undertakes to construct and maintain a main irrigation canal and all necessary ancillary works for providing a supply of water to the estate. The cost of this canal plus 10 per cent. overhead charges will be paid by the Latifiyah Company in twelve equal half-yearly instalments, the first of which will become payable on March 31, 1932.

The company will pay the ordinary taxation paid by grantees of state lands holding on a similar tenure.

Baghdad Electrical Tramways, Lighting and Energy Concession.—Law No. 51 approves of the agreement concluded between the 'Iraq Government and the "Société Anonyme Ottomane des Tramways, Eclairages et Forces Electrique de Bagdad," allows the syndicate to own such immoveable property as are essential to its objects, and declares the works mentioned in the agreement to be public utility works, thereby authorizing immoveable property to be expropriated in accordance with the expropriation laws.

By the agreement the company surrenders its Turkish concession, and agrees to transfer its rights in this concession to a new company to be formed and registered in London or 'Iraq, within twenty months of the signing of the concession. The concession is to be for fifty years, and it is a monopoly of the generation and distribution of electric energy to the town of Baghdad; and the construction and working of a system of electrical tramways for passengers and merchandise in Baghdad and its suburbs. In the agreement maximum prices are fixed for electric energy used by public bodies and private persons. Fares for passengers and goods rates are also laid down.

The Government shall be entitled to 50 per cent. of the profits derived from the supply of electricity and 25 per cent. of the tramway profits after the company has made provision for the payment of 10 per cent. interest on its capital, the payment of interest at 7 per cent. on the sums expended on works constructed with the approval of Government and such annual sums as shall be sufficient to provide for the redemption of a certain portion of the capital within the period of the concession.

At the expiry of the concession all works and plant shall become the property of the Government free of charge with the exception of works constructed by order of the Government within fifteen years of the expiry of the concession, such works to be paid for by the Government.

Education.—Regulation No. 10 deals with the administration, instruction and curriculum of the Law College and the rights and duties of the students. The principal is to be appointed by Royal Irada. Certain instructors will be permanent civil servants, others will be lecturers receiving fees. The instructors will form a board and nominate a candidate for any vacancy in their numbers for the approval of the Minister of Education. This board is to determine the syllabus and the method of examination, to prepare the college budget, text-books, to decide cases of suspension of instructors or expulsion of students. The college is to be of three classes, each of one year from October to May. The subjects to be studied are the Mejelle; the Shar' Law regarding Personal Status; Land and Awqaf Laws; Civil Procedure Code; Marine and Commercial Codes; Criminal Law and Procedure; Roman Law and Comparative Civil Law; Public Law; Administrative and Constitutional Laws; Economics and Finance; International Law; Medical Jurisprudence; Sociology.

Admission is limited to students with a secondary school or high school certificate who are over the age of 17 and possess a certificate of good conduct countersigned by the Police Department.

Persons other than students can attend lectures subject to special provisions.

Rules for the conduct of college examinations are laid down. All examinations must be written ones.

National Flag.—Law No. 36 permits the use of the 'Iraq National Flag for official, private and trade purposes, but imposes a penalty of imprisonment not exceeding six months or a fine of Rs.500 on any person who with intent to show contempt publicly pulls the flag down, destroys it or injures it.

Nationality.—Law No. 3 allows any person who became an 'Iraqi subject by virtue of the 'Iraq Nationality Law No. 42 of 1924, and who attained his majority before December 31, 1927, to opt for Turkish nationality.

A Ministry of Interior Instruction declares that " Ottoman subjects born in 'Iraq holding 'Iraq *laissez passer* are deemed to have exercised a valid option for 'Iraq nationality under Art. 7 of the 'Iraq Nationality Law."

Honours.—Regulation No. 14 prescribes the classes, the nature of the decorations and the persons upon whom can be conferred the " Order of the Rafidain."

FOREIGN.

1. FRANCE.

[*Contributed by* O. E. BODINGTON, ESQ.]

Labour Code.—The law of January 4, 1928, modifies Art. 29 of the Labour Code, provides that the absence of a woman worker from work caused by her accouchement cannot be a cause of rupture for a period of twelve weeks.

The law of February 1, 1928, contains provisions providing for the safeguarding of deposits received by employers as security from their employees.

Conservatoire de Musique.—The law of February 11, 1928, ratifies a decree of December 28, 1926, conferring legal personality on this institution.

Identity Cards for Foreigners.—The decree of January 29, 1928, reviews the provisions in regard to identity cards for foreigners and provides that every foreigner more than 15 years old who contemplates residing in France for more than two months is bound to present himself at the office of the Commissaire de Police within forty-eight hours of his arrival, or at the Town Hall of his residence, and make an application for an identity card. An acknowledgment of this application is delivered to him. In case he changes his domicile his identity card must be visaed by the Commissaire de Police or by the Mayor. The identity card is equivalent to permission to reside in the country and is valid for a duration of two years.

Description of Brandies ("Fine").—As an instance of the strictness with which the French interpret appellations of origin, at all events as regards their own products, attention may be called to a law of February 20, 1928, which provides in the brandy trade that the word "fine" can only be used if it is accompanied by a geographical term descriptive of the wine- or cider-growing region from which the liquor comes. Gourmets will remember that up to the date of this law the word "fine" used alone covered any number of falsified products, and they were only sure of getting pure liquor if the word "fine" was accompanied by the word "Champagne," which does not mean the Champagne where wine is grown but the Champagne district in the departments of the Charente and Charente Inférieure, where the fine brandies are produced. The law in question very drastically puts an end to this practice.

Apprenticeship.—The law of March 20, 1928, regulates the nature and form of contract of apprenticeship and modifies the Labour Code in consequence.

Public Securities transferred after Death.—The decree of May 9, 1928, contains certain provisions which may have considerable practical importance in connexion with the settlement of the assets of foreigners in France. The decree provides that any change of title in registered stock other than the lapse of a life interest or an ordinary transfer on the Bourse shall require the production of a certificate of ownership. This certificate of ownership in the case of foreigners may be delivered by a foreign notary under certain circumstances. This provision occasionally avoids the fulfilment of complicated formalities under French law. The decree specifies what the certificate of ownership must contain.

Military Tribunals.—The chief provision of the law of March 9, 1928, is to remove from the jurisdiction of courts martial in time of peace all offences committed by soldiers other than purely military offences and to transfer them to the jurisdiction of the ordinary courts.

Commercial Marks.—The law of June 24, 1928, is designed to protect numbers and signs serving for the identification of goods which are not, properly speaking, trade marks.

Currency Stabilization.—The law of June 25, 1928, abrogates the provisions of Art. 3 of the law of August 5, 1914, which enacted provisionally forced currency of notes of the Bank of France and the Bank of Algeria.

The franc, the French monetary unit, is established at 65·5 milligrammes of gold 900/1,000^e fine.

The Bank of France is bound to secure the convertibility of its notes into gold either by reimbursing the notes in gold coin having legal currency or by exchanging them for gold at the rate of 65·5 milligrammes of gold as above.

The Bank of France must keep gold reserves of at least 35 per cent. of the total amount of its bearer notes in circulation and of its creditor current accounts.

To replace the notes of the Bank of France of 5, 10 and 20 francs[1] which will be withdrawn from circulation before December 31, 1932, when they will cease to be legal currency, the Mint shall manufacture for the account of the State silver coins of a nominal value of 10 and 20 francs. These have not yet been issued.

Labour Code. Master and Servant. Notice.—The law of July 19, 1928, provides that contract of service without any fixed duration can always be put an end to by the will of either of the parties subject to a notice, the duration of which is fixed in conformity with local or professional usage, or in default thereof by collective agreement. In case the duration of notice in an individual contract is shorter than that fixed in a collective agreement it is the latter which prevails, the former being void. The arbitrary rupture of the contract gives rise to damages. Damages are fixed in accordance with local usage, the nature of the services, length of service, age of the workman or employee, deductions and payments made in view of a retiring pension and so forth.

Night Work.—The decree of May 5, 1928, regulates the number of days per year in various trades in which night work is authorized for women and children.

Traffic Regulations. Fines.—The decree of September 30, 1928, provides for the immediate payment of fines for infractions against traffic regulations and the method of collecting these fines.

Army.—The duration of military service in the active Army is by the law of March 31, 1928, reduced from eighteen months to one year. Active military service is equal for all. The exemptions in favour of young men who were the eldest of families of five children and other exemptions of the kind are done away with.

Budget.—By the law of December 30, 1928, the deductions permitted before the calculation of income-tax are increased. Three thousand francs is deducted for the first two children, 4,000 francs for the third child or more under 18 years who is not earning independently, and the tax is assessed only on the fraction of income which after these deductions have been made exceeds 10,000 francs.

2. UNITED STATES OF AMERICA[2]

1927

Radio Regulation.—By the Air Commerce Act of 1926 (44 Stats. at L. 568), the United States formally declared its sovereignty over the air above its territory, following the precedent set by the International Air Navigation Convention. The Air Commerce Act regulated travel through the aerial territory of the country under the commercial power, and in 1927 by the Radio Act of 1927 (44 Stats. at L. 1162) the Congress asserted its control over the growing radio industry, also basing the Act on the commercial clause of the Constitution. The Act regulates transmitting, not receiving, radio messages, and it practically establishes monopolistic control by the federal government of the use of wireless as means of transmission. The federal Act requires a licence for each sending station and assigns the frequencies which it is to use to each station so that confusion arising from two stations of the same frequency will be obviated. The licence is, however, for a limited period so that the right to use a particular wave length is a concession from the federal government and cannot be claimed in absolute ownership. An interesting question may here arise if a licence be refused to a sending station which has been established prior to the date of the passage of the Act and which has been using a particular frequency for some time. If the licence is refused the plant may be rendered worthless so that the question might arise as to whether the plant thus deprived of its use of a particular air current had established any rights through use prior to the passage of the Act. The delicate job of administering the Act, to grant licences, to discipline licences, and to make regulations is handled in an interesting way. A federal radio commission is set up, composed of five commissioners appointed for six-year terms by the President and Senate; geographical considerations are respected since one commissioner must be from each of the five zones created by the Act and since in the allocation of frequencies the board must consider the zones. During the first year the commission grants licences and is general supervisor of the Act, but after a year the Secretary of Commerce is the licensing authority, the board becomes an appeal body from the decisions of the Secretary of Commerce and continues as a rule-making body. As the appeal body, the board will be an administrative court to protect individuals from the arbitrary exercise of power by the Secretary and will be interposed between the Secretary and the law courts to which further appeal is given from the decision of the commission. Control of rates for the transmission of messages is not given to the Radio Commission or the Secretary. The Act contains a number of police regulations of the radio business, including the provision that no person shall utter any obscene, indecent or profane language over the radio.

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[1] In point of fact to-day there are no 20-franc notes in circulation.

[2] Abridged from the *Report of the Committee on Noteworthy Changes in Statute Law from the Reports of the American Bar Association*, vol. liii, 1928.

Two states have also provided for the regulation of the radio industry. Michigan, by Act 131, gave to the Public Utilities Commission the right to prohibit interference in radio reception caused by simultaneous broadcasting of transmitting stations within the state. The commission may also make rules to prevent the use of receiving instruments which cause interference in radio reception. Maine, by c. 215, makes it unlawful to use receiving sets of specified wave lengths which interfere with the reception of other receiving sets, but leaves the administration of the Act to police courts by making use of the forbidden sets a subject of fine.

Judicial Council.—The use of the judicial council is spreading. In 1927 this movement for a better organization of the judicial system was taken up by Connecticut, c. 190, Kansas, c. 187, North Dakota, c. 124, and the people of California secured the institution from legislative tinkering by including it in the Constitution, art. VI (*a*). The supreme and lower courts are represented on the council in all the states, the chief justice being invariably its head, while the Bar is represented in Connecticut, Kansas and North Dakota. The chief justice in every case appoints the representatives of the judiciary except in North Dakota which puts all the judges of the supreme court on the council, and which gives the court, and not the chief justice, the power of selecting the judge representing the county courts. The attorney members are appointed in Kansas by the chief justice, in Connecticut by the Governor, and in North Dakota are chosen by the executive committee of the state bar association. Connecticut allows the Governor to name a state's attorney and North Dakota requires the attorney-general to be a member of the council, thus securing representation for the prosecuting arm, and an interesting provision in the Kansas law joins the chairmen of the judiciary committees of the two Houses of the Legislature, thus creating a link between the council and the legislature, which will make it easier to secure the enactment of any Bills the council may recommend. As these two chairmen will certainly be lawyers they will not introduce a non-professional element into the composition of the council. The power over rules and practice or to suggest new rules, which is given to the council, will put on the profession, represented by Bench and Bar, the responsibility for defects in the practice codes which it has been so easy in the past to blame upon the legislature.

Criminal Law.—The new legislation was more concerned with the enforcement of the law and procedure than with new crimes. It indicates a swing in public opinion away from sympathy with the criminals and an impatience over the great delay in criminal trials and the technicality which stands in the way of the enforcement of criminal justice. There is a general movement toward shortening the time for taking specific steps in proceedings, particularly in the case of appeals. For example, California, by c. 620, cuts the time for appeal, in criminal cases, from 60 to 30 days, Oregon, by c. 62, cuts the time for appeal from one year to 60 days, and North Dakota reduces the time limit from 6 to 3 months. In another phase of the criminal procedure, New Jersey, by c. 125, requires a trial court to impose sentence within 30 days after the verdict of guilty and allows only 20 days after the sentence for re-sentence. This will limit the prosecuting officer in his power to bargain with the convicted prisoner, for testimony in another case, by arranging for a lighter sentence.

Modern legislation is showing a strong tendency to make the punishment fit the criminal. This tendency is conspicuous in the stiffening of punishment for recidivists. Second and third termers are being punished with increasing severity and the legislatures are increasingly showing their belief that the fourth offender is incorrigible. In 1927, Vermont, c. 334, Michigan, c. 175, California, c. 634, North Dakota, c. 126, New Jersey, c. 263, declared that the fourth offender must receive a life sentence. California went to the extent of forbidding a parole in case of fourth termers. The law-makers have recognized that you must catch your rabbit before you can cook it, which in statutory terms means that a way must be provided for finding out whether the defendant has committed other crimes. Consequently, state bureaux of criminal identification which co-operate with one another and with the National Bureau at Washington are being set up all over the country. In 1927 such bureaux were created in Utah, c. 84, Rhode Island, c. 216, Minnesota, c. 224, and Indiana, c. 216. Indiana appears to have started a centralized prosecuting force by authorizing the appointment of a practising lawyer as assistant superintendent in its bureau, whose duty it is to co-operate with local prosecuting attorneys. The bureau is further instructed to co-operate with peace officers in detection of crime and apprehension of criminals and, by direction of the Governor, to make investigations to secure evidence against accused persons.

The fourth offender Act should bring to the attention of the Bar a very important question, that of limiting the discretion of the judge in fitting the sentence to the prisoner in the case before him. The peremptory order of the legislature that all fourth offenders be sentenced for life deprives the judge who hears the evidence of all power to take the mitigating circumstances into condition; the sentence is automatic. The results of this rigidity have already caused doubt as to the wisdom of the law. Those who uphold the law point out that the fourth offender sentenced for life may always apply for "executive clemency." Another case of automatic punishment occurs in the Pennsylvania Automobile Code, which in minor offences gave to the judges the alternative of fixing either a specific fine or a specific prison term, or both, without maximum or minimum. The code repeals statutes generally providing a maximum and minimum fine and term of imprisonment so that the law-makers expressly shut down on previous judicial discretion.

On the other hand, in some cases the legislatures extended judicial discretion by increasing the spread between minimum and maximum, as, for example, Indiana, c. 201, which reduced the minimum for automobile banditry from 10 to 5 years, leaving the maximum at 25. So in Nebraska, c. 71, the maximum for robbery is raised from 15 to 50 years, leaving the minimum the same.

Automobiles.—The great interest in automobile accident legislation makes worth noting the statutes adopted in Connecticut, c. 161, and in New Hampshire, c. 54, to deal with one side of the problem, the insolvency of the wrongdoer. Neither state is willing to adopt the Massachusetts plan (c. 346 of 1925), and require all automobile owners to provide insurance at the time of taking out their licences. Connecticut extends the principle of c. 183 of the Acts of 1926, requiring the person who has caused damage to person or property while operating a motor vehicle, to insure his car or in some other way prove to the commissioner his financial responsibility, and forbidding such person from operating a car without having complied with the Act. New Hampshire, by c. 54, permits the plaintiff in a suit for damages caused by an automobile accident to ask the court for a preliminary inquiry, and if the court finds that the accident was caused by negligence of the driver, then the defendant must furnish security for the payment of any judgment in the action. Security may be a surety bond or an insurance policy. If he does not do so, then his licence to operate and the registration of his motor are suspended. His licence will not be renewed until he has filed the security required by the court which apparently will guarantee the payment of subsequent judgments in other automobile accident cases against him. Connecticut and New Hampshire, therefore, wait until a motorist has proved that he is apt to have accidents and then compel him to furnish a guarantee that he will pay whatever damage he does. Massachusetts acts before any accident happens.

State Government.—Consolidation and reorganization have been the order of the day in the legislation affecting state government. New

York and California made the most noteworthy changes continuing the reorganization which in each state was already well under way. In both states authority was centralized in the Governor by giving him power of appointment of heads of departments in New York, during the term for which he was elected (for example, see New York, c. 166, California, c. 440); in California, during his pleasure. Both states recognized the rule making or legislative and the quasi-judicial functions which are frequently vested in administrative departments by creating boards to perform such functions, notably, the Civil Service Commission in New York, c. 440, the Labour Board, c. 166; which makes rules and decides compensation cases, and California had a commission which performed a similar duty although the head of the department was a director. California, c. 105, creates a Governor's Council composed of heads of departments, to meet monthly and advise the Governor.

The states have, however, by no means become convinced that power should be centralized in the Governor or in a single head of a department. The device of an unpaid board with overlapping terms holds great popularity in the country at large, as an administrative authority which, instead of centralizing power under the Governor, will expressly make it impossible for the Governor to control the administration since he cannot even appoint during his term a majority of the members of the board. (For example, see Wisconsin, c. 426, Iowa, c. 102.)

The importance which the conservation of petroleum has assumed makes it worth while noting that Arkansas has changed its petroleum authority from a single commission to a board consisting of the commissioner and "four honorary associate members" appointed by the Governor for two-year terms, but not overlapping. The board controls the development of oil and gas resources of the state, and has the power to space wells on private property so as to conserve the oil in any particular pool. Colorado, by c. 138, creates a Gas Conservation Commission composed of a state oil inspector, and three members appointed for overlapping terms by the Governor.

Miscellaneous.—A notable legislative achievement is the new Ohio Corporation Code (Laws of Ohio, 1927, p. 9), the work which has undoubtedly attracted the attention of corporation lawyers generally. A very interesting extension of the principle of public utilities is New Mexico, c. 101, which makes any plant treating or preparing for sale, or marketing for hire, any agricultural products, a public utility under the control of the corporation commission which has the power of regulating their rates. Any five or more patrons of the utility may petition the commission, which after notice of hearing may change rates if it finds them unreasonable or excessive.

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